United States Court of Appeals for the Second Circuit



JOINT APPENDIX

74-1550

IN THE

UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

NO. 74-1550

THE UNITED STATES OF AMERICA,

Plaintiff-Appellee,

-against-

CARMINE TRAMUNTI, et al.,

Defendants-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

DEFENDANTS-APPELLANTS' JOINT APPENDIX
Vol. T(6) - Pages 651 to 826

HERBERT SIEGAL Attorney for Defendant-Appellant Carmine Tramunti 17 John Street New York, New York 10038 RE 2-5330

NANCY ROSNER Attorney for Defendant-Appellant Louis Inglese 401 Broadway New York, New York 10013 925-8844 PAGINATION AS IN ORIGINAL COPY

IVAN S. FISHER
Attorney for Defendant-Appellant
Donato Christiano
401 Broadway
New York, New York 10013
925-5937

ROBERT L. ELLIS Attorney for Defendant-Appellant Angelo Mamone 17 East 63rd Street New York, New York 10021 838-2323

FRANK A. LOPEZ
Attorney for Defendant-Appellant
Joseph DiNapoli
31 Smith Street
Brooklyn, New York 11201
237-9500

THEODORE ROSENBERG
Attorney for Defendant-Appellant
Frank Pugliese
31 Smith Street
Brooklyn, New York 11201
858-0589

KENNETH E. WARNER
Attorney for Defendant-Appellant
Joseph Ceriale
875 Avenue of the Americas
New York, New York 10001
244-4444

ROBERT FISKE
Attorney for Defendant-Appellant
John Gamba
One Chase Manhattan Plaza
New York, New York 10005.
422-3400

GEORGE DAVID ROSENBAUM Attorney for Defendant-Appellant Vincent D'Amico 51 Chambers Street New York, New York 10007 BE 3-8120 MICHAEL C. DOWD Attorney for Defendant-Appellant Frank Russo 120-10 Queens Boulevard Kew Gardens, New York 11415 793-2900

ROBERT LEIGHTON
Attorney for Defendant-Appellant
Warren C. Robinson
15 Park Row
New York, New York 10038
267-6016

GARY SUNDEN
Attorney for Defendant-Appellant
William Alonzo
401 Broadway
New York, New York 10013
925-4848

EDWARD PANZER
Attorney for Defendant-Appellant
Hattie Ware
299 Broadway
New York, New York 10007
349-6128

MARTIN JAY SIEGAL Attorney for Defendant-Appellant John Springer 250 West 57th Street New York, New York 10019 586-1414

HARRY POLLAK Attorney for Defendant-Appellant Henry Salley 299 Broadway New York, New York 10007 BE 3-0386 UNITED STATES OF AMERICA vs.
CARMINE TRAMUNTI, et al.

S73 Cr. 1099

New York, February 4, 1974; 10.00 A.M.

Trial resumed.

(Jury not present.)

MR. LOPEZ: Good morning, your Honor.

THE COURT: Good morning.

MR. LOPEZ: Your Honor, just for the sake of completeness, we would like to have marked as Court's exhibits certain newspaper articles.

As Court 48 we propose to submit for identification an article in the Wednesday, January 30, 1974,

Daily News, entitled "Mixed 'H' for Peanuts, Dope Witness

Asserts."

As Court Exhibit 49, an article which appeared in the Daily News of January 31, 1974, on page 32, entitled "Justice's Secretary Was Nadjari Agent."

As Court Exhibit 50 for identification, we submit an article which appeared in the New York Post on January 31, 1974, entitled "Tramunti Accuser Back On Stand for Second Day."

As Court Exhibit 51, an article which appeared in The New York Times of February 1, 1974, entitled "Tramunti Nod Said to Sanction Drug Buy."

Last, your Honor, an article appearing in the New York Post on Friday, February 1,1974, on page 30, "Tramunti Witness is in a Class All by Himself." That would be Court Exhibit 52.

Thank you very much, Judge Duffy.

MR. PANZER: Your Honor, I have an application.
Mr. Leighton is not here this morning. He had to attend
a funeral. I will be covering for him, and his client
consents to that.

THE COURT: All right.

MR. FISHER: Similarly, if your Honor please,
Mr. Sunden isn't here, and with the consent of his client
I will fill in for him.

THE COURT: Anything else?

MR. WARNER: Your Honor, I have an application.

In connection with the cross-examination, it is obvious that there is a tremendous difficulty in getting any confirmation on dates out of the witness, and I think it is an unfair imposition on counsel to be left with this statement, such as, "Were you debriefed on July 11?

"I don't recall."

I think it would be appropriate in each of those instances for the government to concede, so the jury knows it, that the cross-examiner is referring to a debriefing that took place on that specific date and that a transcript is being read from, if a transcript is read, which is supposed to have transpired from a tape recording on that date. Otherwise, we are left with a blank space, where the government has already conceded no blank space should exist.

THE COURT: I don't think it really matters.

MR. WARNER: I think it does, your Honor.

THE COURT: The thing that matters is that he was debriefed, not that it happened on a particular date.

MR. WARNER: Well, sometimes the chronology is important, where he indicates that he was lying at a particular time and not lying at another time.

THE COURT: Well, we will just handle these as they come up. I don't see any great difficulty. If it becomes important, we will work out something at that time.

All right, anything else?

MRS. ROSNER: Your Honor, may the record reflect I am turning over to the government the transcript of C-515, Side B, a Frank Stasi transcript.

3

4

5

6

7

8

9

10

11

12

13

15

14

16

17

18

19

20

21

22

23

24

25

MR. FISHER: While we are at it, may I have the copy I loaned the Court? It's got a blue backing.

MR. WARNER: Your Honor, may the record reflect as well that I am turning over to the government transcript of Casette C-515, Side B, one copy for the government.

MRS. ROSNER: I just gave it to him.

MR. WARNER: I understand, but I had a transcript made also, because it was my impression that none was made.

I have gone over this one and corrected it, and I think that it will be more accurate.

THE COURT: All right. Bring in the jury. (Court's Exhibits 48, 49, 50, 51 and 52 marked for identification.)

(Jury in box.)

THE COURT: Good morning, ladies and gentlemen.

I hope you enjoyed the Italian restaurant last week.

THE FORELADY: Very nice. Thank you.

FRANK STASI, resumed.

THE COURT: Mr. Stasi, you were placed under oath last week, and your oath to tell the truth remains in force.

The question is, sir, when you had money --

You don't understand the question?

I don't understand the question.

0

0

24

1

4

3

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

23

24

25

Yes --

-- you were paying two to three hundred dollars a week for your cocaine; isn't that right?

No, not that much.

I show you what has been marked as Government's Exhibit 3532-A for identification, a transcript of the debriefing on May 22, 1973, and referring you to page 36, at the pink index, will you please read what is written there and tell us whether or not you in fact told agents of law-enforcement that when you had the money you paid two to three hundred dollars a week for your cocaine.

- I remember that.
- That is what you told them; right?
- I says yes. A
- Was that the truth, sir? Q
- A Yes; it was.
- How much money would you say you have spent in your lifetime on cocaine?
- Lifetime? I've only been in this business two years. How could it be a lifetime?
- Well, you said you became involved in narcotics in the middle of 1973; is that right?

MR. PHILLIPS: Objection.

MR. FISHER: I am sorry.

1	pp	Stasi-cross 657
2	Q	It is 1970.
3	· A	That's right.
4	Q	And you became associated with law-enforcement in
5	the middle	of 1973; is that right?
6	V	That's right.
7	Ω	So you were involved in narcotics for about
8	three year	es; isn't that right?
9	A	I would say less than that.
10	Q	And you started ingesting cocaine during the
11	period of	time that you were involved in narcotics; isn't
12	that right	:?
13	A	Yes.
. 14	Q	Within that approximate three-year period of
15	time, how	much did you spend on cocaine, sir?
16		MR. PHILLIPS: Objection, your Honor. This is
17	irrelevant	
18		THE COURT: No. I will permit it.
19	λ	I couldn't tell you.
20		
21		
22		
23		

in.

21

22

23

24

25

1	mpal	
2	Q	You
3	these ei	ght occa
4	narcotic	s, is th
5	λ	That
6	Q	Now,
7	you have	
8	cotics t	
9	λ	That'
10	Ω	On on
11		
12	approxim	7
		Well,
13	Ω	Rough
14	, A	λll r
15	Q	And h
16	А	A tho
17	Ω	And w
18	Boy, how	much die
19	λ	A tho
20	Ω	That's

have told us, however, that on each of asions you received \$2000 for mixing hat right?

's right.

in addition to those eight occasions, ed that on two occasions you sold nar-Boy, an undercover agent, is that right?

s right.

ne of those occasions it was a quantity pound, is that right?

I don't know how the weight -- .

ly.

ight. Okay.

ow much money did you make on that sale?

usand dollars.

ith regard to the other sale to Allie d you make on that one?

usand dollars.

s \$2000?

That's right.

Now, in addition to the two sales to Allie Boy and the eight times that you mixed heroin, approximately, sir, how many narcotics transactions have you participated in?

1	mpa2 Stasi-cross 659
2	A With Allie Boy?
3	Q With anyone, since the middle of 1970. A
4	number, sir. How many?
5	A Well, I would say two with Allie Boy and what
6	I delivered to the club. Is that a sale? I don't
7	understand those questions.
8	O Those are the only times, sir?
9	A That's the only times, right.
10	Q In addition, however, you had a source of
11	income from your numbers activities?
12	A That's right.
13	O And within the last three years, how much would
. 14	you say you profited from your numbers activities?
15	A Well, that I couldn't say. That would
16	be hard to figure.
17	Q Now, how much rent have you been paying
18	since the middle of 1970 to the present?
19	A 115 a month.
20	Q And you lived alone?
21	A Partly with myself and my son came with me later.
22	Q And how old is your son?
23	A Twenty-five.
24	Q You weren't supporting him, were you?
25	A I was not.
	Q And you have accumulated some \$40,000 in debts,

SOUTHERN DISTRICT COURT REPORTERS, U.S. COURTHOUSE FOLFY SOHARE NEW YORK NY CO 7 4500

1	
2	
3	
4	
5	
5	
7	
9	
10	
11	
12	
13	
14	
15	
6	
7	
.8	
9	
0	
1	
2	

25

is that right?

- A That's right.
- Q Did you spent money on prostitutes during the last three years, sir?
 - A That's right.
- Now, from time to time you have indicated you were questioned by agents of law enforcement with a tope recording machine present, is that right?
 - A That's right.
- Q Isn't it a fact, sir, that during some of these conversations an agent would turn off the tape machine and speak to you for a while and then put it back on?
 - A I don't recall.
 - Q You don't recall?
- A I don't remember. I don't recall that.

 I wasn't watching what they were doing.
- Q You testified that you are unsure as to the approximate times of the instances that you cut and mixed heroin, is that right?
 - A That's right.
- Q By the way, the words "cut" and "mix" are roughly synonymous? They mean about the same thing?
- A I don't know. I don't know what you would call that.

1	mpa4 Stasi-cross 661
2	Seast-Closs .
3	The mare ased the word "dut"?
	A That's right.
4	Q And you have used the word "mix"?
5	A That's right.
6	Ω And are you referring, with those words, to
7	the same process?
8	A That's right.
9	Q Now, you have told us one thing you are cer-
10	tain of, however, is that on one occasion Finnegan helped
11 .	you and Joe Crow mix narcotics, is that right?
12	A That's right.
13	Ω And of that you are absolutely positive?
14	A Yes.
15	Ω The fact is, is it not, Mr. Stasi, that on
16	three separate occasions you told law enforcement agents,
17	in substance, that Finnegan never mixed with you; isn't
18	that right?
19	A I don't recall.
20	MR. FISHER: With the court's permis-
21	sion:
22	Q Mr. Stasi, will you put these earphones on so
23	that you and you alone may listen to a portion of tape
24	C-388 at my counter 238.
25	Will you please listen.

(Pause.)

Q Mr. Stasi, having heard that portion of the tape, you recall, do you not, speaking with Allie Boy on the telephone after you decided to cooperate, is that right?

A I do.

Q And the tape that you just heard is a recording of your voice, is it not?

MR. PHILLIPS: Objection, your Honor, to this method of cross examination.

MR. FISHER: I will withdraw that, if your Honor please.

Q Mr. Stasi, after hearing what you have heard on that tape recorder, is your recollection now refreshed as to the fact, sir, that you told Allie Boy after you began to cooperate --

MR. PHILLIPS: Objection to the form of that question.

THE COURT: No, I will permit it. Go ahead.

Q -- that in your opinion Finnegan never mixed?

A At the time I was confused. I didn't remember.

17

18

1

2

3

5

6

7

8

9

10

11

12

13

14

15

16

19

20 21

22

23

	1		
1	mpa6	Stasi-cross	663
2	Q	Did you say that to Allie	Boy?
3	A	I think according to the,	what do you call it,
4	the tape	recorder, that is what it s	ays.
5	Ω	Is that your voice?	
6	Α	That's my voice, yes.	
7	Ω	You were confused?	
8	A	That's right.	
9	Ω	Were you confused again or	n a second occasion
10	when you t	cold agents of law enforcement	ent that Finnegan
11	never mixe	ed?	
74.20 / 7.12 ·		MR. PHILLIPS: Objection	n, your Honor, to
13	the form o	of that question.	
· · · · · 14	Ω.	Did you in fact?	eet j
15		THE COURT: Hold on.	Let me rule on the
16	objections		
. 17		The form of the question i	s not
18		Mr. Fisher, I will tell yo	ou what: why
19	don't you	reframe the question?	
20	Q	Mr. Stasi, did you in fact	tell agents of law
21	enforcemen	t a second time that Finneg	an never mixed?
22	λ	At the time I said I was c	overing up for every-
23	body.		
24	Q	Mr. Stasi, did you in fact	
25		MR. PHILLIPS: Objection	, your Honor.

1

3

5

6

7 8

9

10

11

13

14

15

16

17

18

19

20

21

22

23

25

THE COURT: No, I will permit it. Answer the question directly. Did you say that Finnegan --

A Yes, I did.

THE COURT: All right.

Ω And, Mr. Stasi, did you in fact on a third time tell agents of law enforcement that Finnegan never mixed with you?

A I don't remember.

Q Showing you what has been marked as Government's Exhibit 3513A, referring to page 103, please read the material near the blue index and tell us whether or not your recollection is refreshed as to whether you told agents of law enforcement a third time that Finnegan never mixed with you.

A I don't recall.

Q You still don't recall?

A That's right.

t2a

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

cise instant in time you were telling agents of law

enforcement that you never mixed with Finnegan at that

I represent Mr. Inglese.

1	jha Stasi-cross 669
2	A Good morning.
3	Q I will ask you to keep your voice up a little bit.
5	
6	Early in your testimony you told the jury that
7	you had been employed at the United States Post Office
8	for a number of years. Do you recollect that?
9	A I do.
10	Q And that was approximately 1951 to 1962, isn't
11	that right?
12	A I do.
13	Q Mr. Stasi, were you terminated from your service
14	at the post office?
	MR. PHILLIPS: Your Honor, I object. I
15	would ask to approach the side bar.
16	THE COURT: All right.
17	MPS. ROSNER: Your Honor, the government into
18	this.
19	THE COURT: All right. Come up.
20	(At the side bar.)
21	MR. PHILLIPS: Your Honor, the reason for
22	Mr. Stasi's termination of his employment at the
23	post office was his conviction on the wagering stamp tax
24	law, under the wagering tax stamp law. Your Monor has
25	already ruled that that cannot be gone into. So Mrs.

Rosner is trying to get in the back door what she can't get in the front door.

MRS. ROSNER: Quite the contrary. If the government --

THE COURT: If he was fired, he was fired.

MR. PHILLIPS: The reason he was fired,
your Monor, was because he was convicted under an unconstitutional statute. I don't think it is proper for
cross examination to go into that. If he wanted to
have himself reinstated he could do that under the law
now that that statute has been knocked out.

MRS. ROSNER: Your Honor, the government went into it on direct. They didn't have to. They went into it to bolster his background. I think counsel is entitled to show that he was terminated by the fact of his conviction. If they didn't want it gone into they shouldn't have opened the door.

MR. PHILLIPS: Then I would ask your Honor to instruct the jury if Mr. Stasi wanted reinstatement he could obtain it because the statute --

THE COURT: Mr. Phillips, I am one of the guys who sat in the Court of Appeals on this thing.

I am aware of what the ramifications are, I assure you.

If you want to go into it you can go into it.

your job there at the post office?

In other words, you were taking numbers at

23

24

25

my locker.

jha Stasi-cross I wasn't taking numbers. I was caught with the slips. I was a bettor. I was playing and they caught football slips in my locker. How many slips did you have? I would say about 10. Some were marked and some weren't. The ones that were marked, I was betting the games. And the ones that weren't were bets that you had 10 taken as a policy runner, isn't that right? There were some that were marked. Them are ... 12 the bess that I was making. Some were unmarked. 13 They were slips that I just had in the locker. 14 15

During the time that you were employed at the post office were you engaged in unlawful policy-taking?

No, I wasn't.

You told the jury, did you not, that during the time you were working at the club which Mr. Inglese owned you began taking numbers. You recollect that?

A Not right away.

When in point of time, if you can tell us, did you begin taking numbers when you were employed at the Beach Rose Social Club?

I couldn't say.

How long after you first began to work there, if Q

25

1

2

3

5

7

9

11

16

17

18

19

20

21

22

23

1	jha Stasi-cross 673
2	
	you can think of it in those terms?
3	A Around 1970; '71 maybe.
4	Q Prior to that time had you ever been engaged
5	in unlawful policy activities?
6	MR. PHILLIPS: Objection, your Honor.
7	THE COURT: First of all, I think we are
8	having a semantic difficulty to begin with. You
9	referred, Mrs. Rosner, to the football slips as policy.
10	Now you are referring to numbers as policy.
11	MRS. ROSHER: I will rephrase the question,
12	your Honor.
13	THE COURT: I am no expert in the area,
14	I assure you, but I think policy infers numbers.
15	MRS. ROSNER: I am not either, Judge, but
16	.I will rephrase the question.
17	Q Mr. Stasi, prior to 1970 or 1971, when you
18	say you began taking numbers at the Beach Rose Social
19	Club, were you ever engaged in any unlawful gambling
20	activities?
21	MR. PHILLIPS: Objection.
22	THE COURT: Sustained.
23	Ω Mr. Stasi, direct your attention, if you will,
24	to the sales which you made to Allie Boy. Do you
25	have those in mind?

::.. · ;:..

1	jha	Stasi-cross 674
2	A	Yes, I do.
3	· Ω	There were two, were there not?
4	А	That's right.
5	Q	Were there any more than two?
6	. А	That's all.
7	Ω·	And those two sales occurred, did they not,
8	on May 2nd	and February 2nd of 1973, is that right?
9	Α	I don't remember the dates.
10	Ω	Are the months May and February in your mind
11	the approx	imate times when they occurred?
12	A	It's possible.
13	Q	You don't remember?
14 ,	Α	I don't remember.
15	Q	How much narcotics did you sell him on the first
16	of the two	occasions?
17	Α	A half.
18	Ω	A half what?
19	Λ	Half a ki.
20	δ	Half a ki of what?
21	. У	Of heroin.
22	Ö	And how much did you sell him on the second
23	occasion?	
24	ν,	A half. It was short two ounces.
25	Q	Was it short the second occasion or the first?

24

1	jha	Stasi-cròss	. 677
2	me at the	house and he says, "I want to talk	to you."
3		I says, "What do you want to talk	to me for?"
4		He says, "Well, I want to see you	."
5		I says, "All right."	
6		He says, "I'm only downstairs.	I'm calling
7	from acros	ss the way."	
8		I says, "Well, come up to see me.	
9		He says, "Are there any narcotics	around?"
10		I says, "I couldn't tell you.	That are you
11	coming to	me? You Gigi's man. Why you	
12	me?"		
13		He says, "I don't want to bother to	ith Gigi any
14	more."		
15		I says, "If I hear anything I'll I	et you
16	know."		
17			
18			
19			
20			
21			
22			
23			
24			

2B

15

16

17

18

19

20

21

22

23

24

25

Q

What time it was?

Do you know when in point of time that was?

On Friday you told Mr. Fisher that you never paid for cocaine. Do you remember that?

That's right.

A

15

16

17

18

19

20

21

22

23

24

1	hp3	Stasi-cross
2	A	That's what I did. I says all right. I
3	says I did	nt, right.
4	ο .	You said that Friday, didn't you?
5	λ	Right.
6		
	Q	And that was not truthful, was it?
7	λ	I didn't pay and sometimes I did. I didn't
8	understand	the question at the time.
9	Q	Didn't you tell Mr. Fisher on Friday that you
10	never paid	for cocaine, you always got it for nothing?
11	A	I did.
12	Q.	You said that, didn't you?
13	Λ	I did.
14	Q	And that answer was not truthful, was it?
15	A	Well, I don't know if you would call that the
16	truth or un	ntruthful. Like I recall now, I retract now,
17	I paid and	I didn't pay.
18	Q	You don't know what would be truthful, do you,
19	Mr. Stasi?	
20		MR. PHILLIPS: Objection.
21		THE COURT: Hold it. I sustain the objection.
22	Q	Isn'tit a fact, Mr. Stasi, that you used to buy
23	your cocain	e on 120th Street from a woman named Sonya?
24	λ	120th?
25	Q	Yes, 120th Street.

1	hp4 Stasi-cross 681
2	A There was no woman there.
3	Q Think for a moment, Mr. Stasi.
4	A Go ahead.
5	Q When you were being debriefed by the State law-
6	enforcement authorities did you ever tell anyone that you
7	used to buy your cocaine from a woman named Sonya on 120th
8	Street at about 11.00 p.m. or 11.30 in the evening?
9	A There is a fellow by the name of Tony. There
10	is no Sonya.
11	Q I am sorry. It may have been a typo.
12	There was a person named Tony?
13	A That's right. No Sonya, no woman.
14	Q Is that whom you purchased your cocaine from?
15	A That's right.
16	Q . How much did you pay for it?
17	A They used to give me \$50 to get it for them,
18	Gigi and the fellows that he used to be with.
19	Q Isn't it a fact that you used to spend for your
20	own cocaine habit two to three hundred dollars a week?
21	MR. PHILLIPS: Your Honor, I object. I will
22	ask your Honor to exercise your discretion in the same areas
23	being gone into by different counsel.
24	THE COURT: I am aware of that. I will permit it

Go ahead.

1	hn E	682
2	hp5	Stasi-cross
3	Q	You may answer the question.
	y	I didn't pay for that much, I didn't go for that
4	much.	
5	Ω	You didn't go for that much, Mr. Stasi?
6	A	No, sir, no, ma'am.
7	Q	To your recollection, Mr. Stasi, how much did
8	you spend	
9	A	I couldn't say.
10	Q	You have no recollection at all?
11	. A	I couldn't say.
12	Q	Direct your attention for a moment, if you will,
13	to the box	x of cutting paraphernalia which you were arrested
14	with on Ma	
15		
16	numahasad	You told us that the contents of that box were
17		from several locations in Jersey, isn't that
18	right?	
19	A	That's right.
	Q .	After the time that you began cooperating did
20	you ever g	ot to New Jersey with any law-enforcement
21	authoritie	s and attempt to locate the stores at which these
22	things had	been purchased?
23	ν	No.
24	Ω.	You never did that?
25	λ	No.
- 11		

1	083
hp6	Stasi-cross
Q	Did anyone ask you, Mr. Stasi, when you were
being deb	riefed whether you recollected the locations of
any of the	e places where you purchased these cutting
materials	?
A	They did, they asked me.
Ω	And did you describe for them how you got there
and where	these stores were?
A	I did.
Q	Were you ever taken to try to find these stores?
A	No.
Ω	So that no one from the stores, Mr. Stasi, could
come in he	ere and testify
	MR. PHILLIPS: Your Honor, I object to this.
	THE COURT: Yes. I will sustain it.
Q	Isn't it a fact, Mr. Stasi, that the cutting
materials	which you were arrested with you yourself pur-
chased una	ccompanied by anyone? Isn't that the truth?
Α	I can't rephrase that, please.
Q	Isn't it the truth
Λ	Yes.
Q	that the cutting materials which were in the
box that ye	ou had when you were arrested you purchased all
	by yourself?
Λ	I did not.
	being deb any of the materials A Q and where A Q come in he Q materials chased una A Q box that ye alone, all

15

16

17

18

19

20

21

22

23

24

25

THE COURT: He has already answered that he doesn't know what somebody else knew. Go ahead. Let's go on.

Did you ever tell him where it was prior to your testifying against him here in court?

I don't recall. I don't remember if I did.

			003
1	hp8	Stasi-cross	
2	Q	Did Moe Lentini know where it was?	
3	Λ	Yes, he did.	
4	Q	So Moe Lentini knew but Mr. Inglese didn't	know.
5	that's you	r testimony?	
6	Α	I says I don't know. I mean, I know abou	t Moe
7	Lentini kn	owing about it.	
8	Q	Mr. Stasi, after you began cooperating you	told
9	the State	Police officers that you would do several to	
10		m in their investigation, isn't that right	
11	λ	I don't know how do you mean that?	
12	Q	You told them that you were going to go out	t and
13	make buys	of narcotics for them, remember that?	
14	Α.	I did.	
15	Q	And you offered to go out wearing a transmi	itting
16	device to	record conversations with the people that you	
17		narcotics with, isn't that right?	
18	Λ	I didn't have any transmitting device.	
19	Q	Did you ever	
20	λ	At one time, yes, not all the time.	
21	Q	Please let me finish the question, Mr. Stas	i.
22	Α	I'm sorry.	
23	_ Q	Did you ever wear a transmitting device aft	er the
24	time you be	egan cooperating?	
25	Λ	I did.	

	686
1	hp9 Stasi-cross
2	Q Did you ever record any conversations between
3	yourself and Mr. Inglese?
4	A No.
5	Q Never did?
6	A No.
7	Ω Did you ever call Mr. Inglese up on the phone
8	and engage him in conversation regarding narcotics?
9	A No.
10	Q You never did that?
11	A No.
12	Q Didn't you think that that would be an excellent
13	way to prove the truthfulness of what you were saying?
14	MR. PHILLIPS: Objection.
15	THE COURT: Sustained.
16	Q Mr. Stasi, you would do anything you could to
17	help yourself, isn't that right?
18	A I'm doing I'm giving the truth.
19	Q You are doing your very best, isn't that right,
20	to help yourself?
21	A I want to help myself, that's right.
2	Q And if you thought that you could obtain damaging
.	

MR. PHILLIPS: Objection.

23

right?

evidence against Mr. Inglese you would do it, isn't that

22

23

24

25

hp10

Stasi-cross

THE COURT: Sustained.

Q Did it occur to you, Mr. Stasi, that it would be a great aid to yourself to obtain solid recorded evidence of conversations with Mr. Inglese?

MR. PHILLIPS: Objection.

THE COURT: Sustained.

Q Now turn your attention, if you will, to the mixing sessions which you have described for the jury where you cut heroin you say at Mr. Inglese's direction. You have that in mind?

A Yes.

Ω Friday when Mr. Fisher was cross-examining you there were a series of questions regarding the number of times that you cut narcotics. Do you recollect that?

A Yes, I do.

O Do you recollect telling Mr. Fisher that the number was eight and possibly more, you remember that?

A That's right.

Q But not less, do youremember telling him that?

A That's right.

Q And your recollection was very clear on that subject, wasn'tit?

A That's right.

Q No doubt in your mind whatsoever, isn't that right

21

22

23

24

25

hp11

Stasi-cross

MR. PHILLIPS: I object to this as being argumentative.

THE COURT: Yes, it's getting there. Ask the next question.

Q Isn't it a fact, Mr. Stasi, that on one occasion when you were interviewed by the State Police you told them that you didn't know where any narcotics were being cut?

Do you remember saying that?

A I do.

Q And isn't it a fact that when you were debriefed by the State Police officers you told them that the cutting paraphernalia that you were arrested with you had gotten.

from George Toutoian? Do you recollect that?

- A The what? The cutting material?
- Q Yes, the cutting materials.
- A That's right, I remember that.

Q You did tell them that. And isn't it a fact that when you were debriefed by the State Police you told them that you had cut or mixed narcotics in Joe Crow's house two or three times, not four times? Isn't that right?

- A I don't recall at the time.
- Q Excuse me?

A I says I remember that, but like I say, I was covering up a lot of things at the time.

1	hp12	Stasi-cross
2	Q	You were covering up by saying two and three
3	instead of	four?
4	Λ	That's right.
5	Q	Didn't you tell the State Police that you cut
6	two or thr	ee kilos of narcotics, you weren't sure which?
7	You rememb	er that?
8	. А	I do.
9	Q	Do you recollect on one occasion when you
10	were being	questioned by the State Police and the subject
11	of mixing	was discussed that you told the police that Moe
12	had never m	ixed at your house? You recollect that?
13	Λ	I do.
14	Ω	And that you didn't know where if any place he
15	had ever m	ixed?
16	A	I do.
17	Ω	Do you recollect that?
18	Α	I do.
19	Q	Do you also recollect that when you were debriefed
20	by the Sta	te Police you told them that you yourself at the
21	very most	had cut or mixed narcotics three or four times?
22	You recoll	
23	A	I was confused at the time.
24	0	Mr. Stasi, do you remember when you were debriefer

by the State Police telling them that the only people you

hpl3 Stasi-cross
knew of that mixed narcotics were yourself and Joe Crow?
You recollect that?
A I don't recall.
Q Let me ask you, Mr. Stasi, was your recollection
of those events, these mixing sessions, betterin May and
July, when you were debriefed, than it is now?
A I says I was covering up at the time for every-
body.
Q You were covering up by saying two and three
instead of four?
A That's right.
Q That's your idea of protecting somebody, Mr.
Stasi?
A I was trying to make it less.

3A

2

1

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Q Answer the question, Mr. Stasi. Was your recollection better --

MR. PHILLIPS: Objection, your Honor.

THE COURT: No. I think he answered your last question. I don't know why you have to ask it again.

MRS. ROSNER: I don't think it was responsive.

I would like an answer to a simple question.

Q Was your recollection better --

MR. PHILLIPS: I object to Mrs. Rosner's characterization --

THE COURT: All right. Go ahead.

Q Mr. Stasi, was your recollection of those events better in May, June and July than it is now?

MR. PHILLIPS: Objection as repetitious. I think he has answered the question.

THE COURT: It has been asked and answered.

Now, during your direct testimony, you told the jury about an occasion when you threw a package in a car in which John Barnaba was seated. Do you recollect that?

A Yes; I do.

Q Isn't it a fact that when you were debriefed by the State Police, you told them that you had never delivered narcotics, that you were at mosta messenger boy, used to just cut and carry paraphernalia? Isn't that the

1	pp2 Stasi-cross
2	fact?
3	A That's what I said.
4	Q You also told this jury, did you not, Mr. Stasi
5	that you had been present in Mr. Inglese's basement on
6	a number of occasions when large amounts of money were
7	being counted; isn't that right?
8	A That's right.
9	Ω Do you recollect that?
10	A That's right.
11	Q How many times would you say this happered?
12	A Well, I said I went down there, I would say,
13	three or four times. I just don't remember. I would say
14	around that time that amount of times.
15	Q Mr. Stasi, do you recollect being asked this
16	question on July 10, 1973? Do you recollect one of the
17	police officers who were speaking to you saying to you about
18	Gigi:
19	"He came up with a lat ac
20	"He came up with a lot of bread, right?" You answered
21	THE COURT: Where are we?
22	
23	MRS. ROSNER: I am sorry, Judge. I thought I gave it. It is 515-B. beginning on page 122
24	. Deginning on page 132.
25	Does the Court have it?
	MR. WARNER: Your Honor, I have given an extra

- A You want me to read the whole page?
- Q Read whatever you need to read to refresh your recollection as to whether you said that, Mr. Stasi.
 - A Yes; I do.
- Q Isn't it a fact, Mr. Stasi, that it was only after the State Police officer suggested to you that he thought Mr. Inglese had a lot of money that you told him you remembered seeing large quantities of money in his basement? Isn't that the fact?
 - A It's not so.
- Q Mr. Stasi, for all of these activities that you say you engaged in on behalf of Mr. Inglese, were you ever paid any money?
 - A Was I what?
 - Q Were you ever paid any money?
 - A Yes; I was.
 - Q How much?
 - A Two thousand everytime I mixed.
- Q Any other times? Any other money for any other services?
- A Well, if I wanted money I would get it off him.

 If I needed some pocket money, I would ask him, and he would give it to me.
 - Q This is apart from whatever you received from

9

10

11

13

14

15

18

19

20

21

22

23

24

1	pp5 Stasi-cross
2	your employment at the club?
3	A That's right.
4	Q Is that right?
5	A That's right.
6	Q Mr. Stasi, do you remember being spoken to on
7	that same date that we just referred to, July 10th by
8	the way, July 10th was after you came out of prison as a
9	result of the arrest at the Beef East; isn't that right?
10	And July 10th was almost two months after you began cooperat
11	ing; isn't that right?
. 12	
13	MR. PHILLIPS: Objection as argumentative.
14	THE COURT: No. Go ahead.
15	A That's right.
16	Q Now, on that same day, July 10
17	MRS. ROSNEP: C-515, at page 46, Mr. Phillips.
	Q (Continuing) Do you remember the police officer
18	asking you, "Wait a minute. Gigi never gave you money?"
19	And you responded, "Never gave me money."
20	Do you remember being asked that question and
2.1	making that answer?
22	A I was covering up.
23	Now, you told the jury, did you not, that Moe
24	Lentini was working for Mr. Inglese, did you not?
25	A I did.

pp6

Q Isn't it a fact that you told the State Police that Moe was a dealer on his own, like you?

A At the beginning, yes.

Q Turn your attention to the time that there was a cocaine transaction, when you purchased cocaine from a fellow named Jack Spada. Do you remember that?

A I do.

Q You were told to do that by Moe Lentini, were you not?

A I was.

Q And that cocaine eventually was placed in the apartment of this girl, Liz, that you told the jury about; is that right?

A That's right.

Q You purchased that cocaine for your own resale, did you not, Mr. Stasi?

A I did not.

Q Well, would it be fair to state that it was Moe
Lentini's cocaine, but you were free to sell it if you wanted
to?

A If I wanted to, yes.

Q And did you in fact deliver a portion of that narcotics?

18

19

20

22

23

		697
1	pp7	Stasi-cross .
2	λ	What do you mean by deliver? He asked for it
3	for an eigh	th, and I gave it to him. He told me to go and
4	get it. Is	that what you mean?
5	Q	Yes. Thank you.
6	A	All right.
7	Ω	But as you understood it, had you wanted to,
8		ave sold those narcotics to anyone you chose;
9	isn't that	
10	A	That's right.
11	Ω	So long as you got paid?
12	Α	That's right.
13	Q	And isn't it a fact that Mr. Inglese had nothing
14		to do with your purchasing that cocaine from
15	Jack Spada?	
16	A :	That's right.
17	•	Didn't even know you were going to do it; is that
18	right?	• and the series of the to the first that
19	Α 1	No. He just happened to be inat the time.
20		More coincidence; isn't that right?
21		Chat's right.
22		
23		TR. PHILLIPS: Objection. It is argumentative. THE COURT: It is. All right.
24		
25	ing break.	his would be an appropriate time to take a morn-
1.	ing mean.	



	698
1	pp8 Stasi-cross
2	All right. Mr. Marshal, will you take the jury
3	out.
4	(The jury left the courtroom.)
5	(The witness left the courtroom.)
6	THE COURT: All right. It is now about eight
7	minutes after eleven. Be back at twenty minutes past.
8	(Recess.)
9	(Jury not present.)
10	THE COURT: Mr. Clerk, call the roll of the
11	defendants.
12	(The clerk called the roll of the defendants.)
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

2 MR. DOWD: Your Honor, may I approach the 3 side bar for a personal matter?

(At the side bar.)

MR. DOWD: Your Honor, I have a technical problem tomorrow. Mr. Russo is due in state court tomorrow, on the state indictment. Can we make some arrangements to have him excused?

MR. PHILLIPS: I don't think there will be any problem.

THE COURT: You will take care of it?

MR. DOWD: That's the only thing.

THE COURT: All right.

(In open court.)

THE COURT: Mrs. Rosner, do you expect to be much longer?

MRS. ROSNER: I would say another 40 minutes, Judge.

(Jury present.)

Witness on stand.)

BY HRS. ROSNER:

Q Mr. Stasi, you told the jury about a number of conversations that you say occurred between Mr. Inglese and Mr. Tramunti. Do you remember testifying about that?

Asked questions.

Yes.

24

25

A

Q And they asked you questions about that conversation, about the Lentini bail conversation, isn't that right?

A That's right.

Q Do you remember one of the police officers saying to you, "You mentioned before that someone had asked Gribs to put up his house as collateral or something," and you answered, "Yes, this party -- who it happens to be I don't know, but I heard this party say that, you know, they're having a problem with Noe, right."

The police officer said: "Right, "and you said, "To get him out," and the police officer said, "When was this? After the big round up, and you responded, "When the 86 got rounded up, right."

Do you remember being asked those questions and making those answers?

- A I don't recall that.
- Q You don't recall that?
- A I don't recall, no.
- Q I will ask you some other questions and then I will show you and see if it refreshes your recollection.

The police officer then asked you, at 91, "You don't know who asked Gribs?"

1

3 4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

You answered, "No, I don't know."

The police officer asked, "Can you describe him?" and you answered, "Describe him?" The officer said, "Yes."

You said, "To the best of my, the best I could, he was short and stubby. That's about it, and with glasses."

The police officer asked you, "How old?" You said, "I would say over 40, something like that. A little over."

Do you remember being asked those questions and making those answers?

I do. A

And on July 14th do you recollect who it was that you say had this conversation with Mr. Tramunti?

I show you 559 and direct your attention to the portion with the star next to it, and you can go over to page 91.

Might it help if you put your reading glasses on, Mr. Stasi?

(Pause.)

Λ I do.

Now, Mr. Stasi, I direct your attention to the conversation in Lo Piccolo when you say 'r. Inglese asked

A

Yes, I do.

Q -- a conversation with the State Police on that day about this subject. And do you recollect saying to the State Police, "As I was going there I happened to hear Gigi say to Carmine, 'I need some money.' Gigi -- he says to him, 'How much money do you need?' He says, 'A little bit because I expect something.'"

Do you recollect making that statement to the State Police about this conversation?

A Yes, I do.

O Do you recollect your continuing, "So as I was passing by they had stopped, but I figured it's got to be something that they expect something to come in, he needs a little amount of money."

And the police officer said to you, "Do you mean something, you mean narcotics -- narcotics, a shipment?" and you answered, "I don't know. It could be a shipment, but how much it is I couldn't tell you," and the police officer said, "And you, you mentioned abot about goods in that conversation?"

And you said, "No. He didn't mention this."

The police officer said, "Yes?"

You said, "He didn't mention goods. He says, 'I expect something.'"

Do you remember being asked those questions

r	mpa Stasi-cross
2	and making those answers?
3	A Ye I was confused.
4:	Q Now, was your recollection of that conversa-
5.	tion better on July 14th or today? When was it bet-
6	ter, Mr. Stasi?
. T.	A At the time it was always better.
8	Ω Isn't it a fact that the only money that Mr.
9	Tramunti and Mr. Inglese ever discussed was the money
10	that they split from the card game that they were part-
11	ners in? Isn't that right?
12.	A I am saying they did that in the conversation
13:	that I heard.
14:	And that was the only money they spoke about,
15	is that right?
16	A No, it is not.
17.	
18	
19	
20	

1	jha Stasi-cross 706
2	Q Are you saying now that the conversation
3.	you reported was about the split from the card game?
4:	A I didn't say that. I says the conversation
5	I heard was pertaining to narcotics.
6.	Q Isn't it a fact that whenever you heard Mr. Tra-
77	munti and Mr.Inglese discussing money it was money
8	coming from the card game in which they each had an
9:	interest?
10	A That's right.
11.	Ω And on occasion Mr. Inglese would ask for an
12.	advance of money from the kitty from the card game,
13.	isn't that right?
14	A I don't know if he did. I mean
15	Q Weren't you ever present when those conversa-
16	tions took place?
177	A Yes, that's right. Everybody asked.
18	Ω And you knew that, did you not?
19	A That's right.
20	Q So when you say you don't know if he did, that
21	is not correct, is it?
22	A No, that's right.
23	Q Do you recollect on July 10th having a conver-
24	sation with the State Police about the things Mr. Tramunti
.25	and Mr. Inglese used to talk about? Do you remember

y4a

XX.

24

25

ion."

Do you remember making that answer, Mr.

1.	jha Stasi-cross 708
2	Stasi?
3	A I do.
4.	Ø When you made that answer didn't you have clearl
5:	in mind the word "goods" coming out of Mr. Inglese'
6	mouth?
7	A That's what he used, goods.
8	O But in your opinion it didn't mean junk?
9	A It did mean junk.
10.	Ω But you told the state police officer that
11.	in your opinion these two men never discussed narcotics,
12:	didn't you?
13:	MR. PHILLIPS: Objection as argumentative,
14	your Honor.
15	MRS. ROSNER: I will reframe the question.
16	THE COURT: All right, go ahead.
17	Q Did you tell the state police officer, "As
18	far as he would he would talk to Gigi, but I don't
19	think these two would talk about this here junk. That's
20	my opinion"?
21	Did you say that?
22.	A I was afraid. I was a fraid of him_hearing
23	the name Carmine Tramunti at the time.
24	MRS. ROSNER: I move to strike that as
25	unresponsive, your Honor.

.

MR. SIEGAL: If your Monor please, may I rise and move for a mistrial upon the grounds that the statement by this witness is inflammatory and prejudicial to therights of my client.

THE COURT: Your motion is denied.

Now let's get back to the question. The question is did you make the statement. The answer should be either yes or no.

A Yes.

Q Mr. Stasi, it is a fact, is it not, that when you were being interrogated by these state police officers you tried to give them the answers which you thought they were seeking, isn't that correct?

- A I was trying to satisfy them.
- Q You were trying to satisfy them?
- A Right.
- Q Do you remember --

MRS. ROSMER: I am sorry, your Honor. This tape has no date.

Q Do you remember on an occasion speaking to the state police officers, referring now to C-476 at page 35, having a conversation with them about whether or not Gigi and an individual named Ralph ever got money from Mr. Tramunti? Do you remember discussing

jha

that?

3

4

5

6

8

7

9

10

11

13

14

15

16

17

18

19

20

21

22

23

24

25

A I do.

Q Do you remember the state police officer saying to you, "Now, Gigi and Ralph are not millionaires, see," and you answering, "Right."

Then the officer said, "Therefore, they've got to look to somebody, you know. In other words, if you're going to make 500 or you're going to make a thousand dollars with cutting, if you're going to make 500 for you in your apartment, you know, what are they going to make, twice that much, right? Okay. Now, who's the big guy? Who do you think? Who'll be the big guy?" and you answered, "It's going to be Tramunti."

Do you remember saying that, Mr. Stasi?

A I do.

Q Because that's what you thought they wanted to hear, isn't that right, Mr. Stasi?

A I wouldn't say that.

Q And then the police officer said, "Who?" and you answered, "Tramunti. That's what you want."

A I don't recall.

Q You don't recall, Mr. Stasi?

A I don't recall.

Q Put on your reading glasses, Nr. Stasi.

Q It's a fact, Mr. Stasi, that you said to the state policewhatever it was that you thought they wanted to hear, isn't that right?

A I was trying to satisfy them.

23

24

1

3:

4:

6:

7:

8

9

10

11

12.

13

14

15

16

17:

18

19

20

21

22

23

24

25

Q And jus

And just a little later on in that conversation,

And you learned the lesson, Mr. Stasi, to keep

MRS. ROSNER: Referring now, your Monor, to C-475 at page 77.

O Do you remember the state police officer, after a point in your conversation when you weren't giving the answer ---

MRS. ROSNER: Withdrawn.

At a point in the conversation do you remember the state police officer saying to you, "We're trying to help you," and you responding, "I know that," and the officer said to you, "And we've got to go over things, over and over them again, so that because when you tell the truth then the truth never changes, you can't get caught"?

A. I do.

Q And you answered him, "I've told the truth."

Then: tomorrow I might be lying. Like I say, not that

I'm lying, I don't remember."

Did you answer that, Mr. Stasi?

A I did.

get caught lying, isn't that right, Mr. Stasi?

A I wasn't lying. I was covering up.

the details identical time after time so you couldn't

2.

1

33

4 :

5

6

7:

8

9

10

11

12

13

14 -

16

17.

18

19

20

21

22

23

24

25

Mr. Stasi, did the officer tell you, "So now you're going to ride or fall by how you're going to perform for Rogers there," and you answered him, "Right now I could condemn myself because I don't remember. That's why it's going to hurt, because I know what I'm saying and what I'm doing. What do you want me to do, what do you want me to say?"

Did you make that statement, Mr. Stasi?

A I did.

THE COURT: Where is that?

MRS. ROSHER: At 78, your Honor, of C-476.

THE COURT: All right.

And just a little later the officer said to you, "This is why we're going over and over and over and over and over. You're going to have the truth memorized to a point where you will be -- you know, you'll just know what you did and what you are going to say," and you answered, "I'm not going to hurt myself. I'm not trying to do that."

Do you remember that, Mr. Stasi?

Λ I do.

O Do you need to memorize the truth, Mr. Stasi?

A I don't need to memorize the truth.

Q Mr. Stasi, just a little while after that, at 30,

You testified that you wanted to satisfy the

questions.

1	Stasi-cross 715
2	state law enforcement officers, is that correct?
3	
4:	Q And today do you also want to satisfy Mr.
5:	Curran and Mr. Phillips with your answers?
6	A No, I don't.
7:	Q When did you go to work at the Beach Rose
8.	Social Club, Mr. Stasi?
9	
10	about 1970.
11	Q What part of 1970?
12.	A The end of the middle of 1970.
13:	Q Describe that club for us. Where was the
14:	entrance to that club?
	A The front of the store. The door was in the
15	front.
16	Q Do you know the address?
17	A Indon't know the address.
18:	Q Do you know what street it was on?
19	A Wilkinson and Westchester Avenue.
20	Q Was the doorway directly on the corner or was
21	it into one of the blocks?
22.	A It's on a little off the corner.
23	
24	On which side, Westchester or Wilkinson? A On Westchester.
25	The second section of the section of the second section of the
	Q And how large a room was the club?

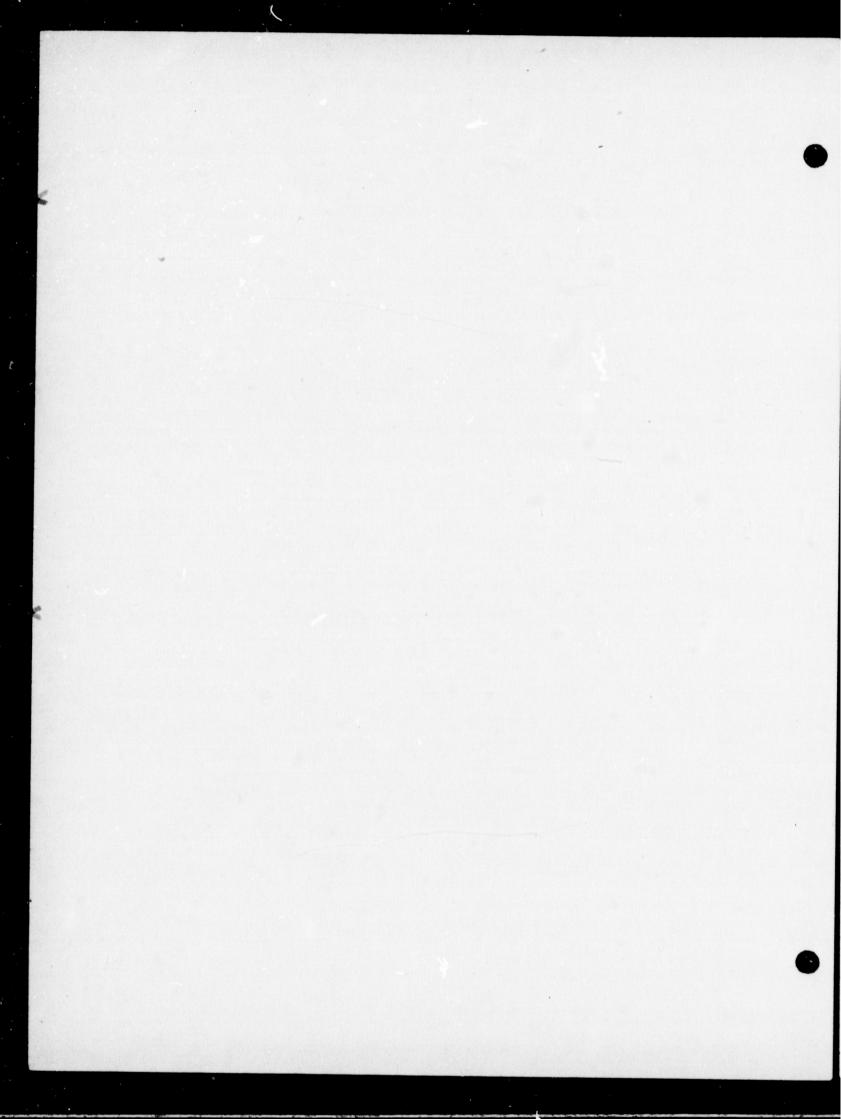
1	jha	Stasi-cross	716
2	A	It's a large room.	
3	δ	Going back into the courtroom, how	•
4	would you	say it goes?	
5	Λ	I would say half way of the courtro	oom.
6	Ω	From where you are sitting, half wa	y back?
7	A	Yes.	
8		MR. ELLIS: Would your Honor say	it is
9 .	about 50 f	eet?	
10		THE COURT: I am not going to say	
11		MR. ELLIS: I will estimate that	to be
12	about 50 feet for the record.		
13		THE COURT: All right.	
14	Q	And how wide was it, Mr. Stasi?	Was it as
15	wide as th	is courtroom?	
16	λ	No.	
17	Ω	Less wide or wider?	
18	J'A	I would say up to where Mr. Curran	is.
19	Ω	From the wall to where Mr. Curran i	s sitting?
20	Λ	Yes.	
21	Ω	About 30 feet, 25 feet?	
22	Λ	I don't know how many feet that is.	
23	Ω	Was there a bar in that club, Mr. S	tasi?
24	Λ	Yes, a small, little bar.	
25	Ω	Was the bar larger or smaller than	the jury

1	· jha	Stasi-cross 717
2	box?	
3	Λ	I would say up to that.
4	Ω	About half the jury box?
5	ν	Half of the jury box, yes.
6	Ω	Were there seats in front of the bar?
7	V	Yes, there was.
8	Ω	What kind of furniture was in that club?
9	V	Well, there is panel wall, there was chairs
10	with side	s, chairs like that with sides.
11	0	You mean armchairs?
12	A	Armchairs, right.
13	Ü	Tables?
14	A	Yes.
15	Ō	How many tables?
16	У	There was a big table where they would play
17	cards, the	ere was a small table that they used to
18	something	like checkers, a marble top, oval bottom, and
19	leather cl	nairs, on that particular table.
20	Ω	How many chairswere in that room?
21	У	I don't know how many chairs.
22	Ω	About 20, more?
23	λ	I couldn't tell you.
24	. О	Was it at least 20?
25	λ	Possibly.

1	jha	Stasi-cross 718
2	Ω	Is it possible that it was 30?
3	A	I wouldn't say 30.
4	Q	Between 20 and 30?
5	λ	I wouldn't say. I couldn't tell you.
6	Ω	Was there a back room to that club?
7	A	There was.
8	Ď	What was in the back room?
9	A	There was a small, little room where the TV
10	was, a co	uch, stereo and shelves on the side, and a
11	bathroom.	
12	Q	Was there also an apartment in the back?
13	A	There was a kitchen in the back.
14	- Q	And in that kitchen were there facilities for
15	cooking?	
16	Λ	There was.
17	Q	And a refrigerator?
18	A	There was.
19	Q	And it was part of your job, wasn't it, Mr.
20	Stasi, to	prepare food for the card players?
21	A	That's right.
22	Q	And serve drinks?
23	Λ	That's right.
24	Q	Keep store?
25	Λ	That's right.

1	jha	Stasi-cross . 719
2	Q	Each and every day there was a card game at
3	that club,	wasn't there?
4:	Α.	Yes.
5:	Q.	What time of day did that card game start?
6	A.	I would say around 2 o'clock; 1, 2 o'clock.
7:	Q.	In the afternoon?
8	A.	In the afternoon, right.
91	Ω	How long would it run?
10.	λ.	It would go into the morning, late in the
11.	morning.	
12	Q.	And all kinds of people from the neighborhood
13:	would come	there to play cards, wouldn't they?
14:	A	That's right.
15:	۵٦	There were a great number of people that
16	would come	there to play cards?
17:	A.	That's right.
18:	Q-	And Angelo Mamone was one of those people that
19	came there	to play cards, isn't that right?
20	Α	Angelo?
21	Q	Mamone.
22	V.	You says Angelo.
23	Q	That's his name, isn't it?
24	A .	I don't know him by Angelo.
25	Q	What name do you know him by?

1.	jha	Stasi-cross	719a
2	A.	I know him by Butchie.	
3.	Q	Whatever name you know him by, he can	ie there
4:	to play ca	rds, didn't he?	
5:	V.	That's right.	
6			
7.			
8			
9	1		
10			
11			
12			
13			
14.			
15:			
16:			
17:			
18			
19			
20			
21:			
22			
23			
24			
25			•



1	hpl		Stasi-cross 720
2		Q	And he was a pretty good cardplayer, wasn't he?
3		Α	That's right.
4		Q	He was a successful cardplayer?
5		A	I think he was.
6		Ω	You kept score and you know?
7		Α	I says yes.
8		Q	And he went other places to play cards, didn't
9	he?		
10		Α	Yes, he did.
11		Q	He went to Las Vegas to gamble, didn't he?
12		λ	I heard, yes.
13		Q	Mr. Mamone was a gambler, wasn't he?
14		-V	Yes.
15		Q	Incidentally, did you ever borrow money from Mr.
16	Mamo	ne?	
17		Α	I did.
18		Q	Did you ever pay him back?
19		Α	No, I didn't.
20		Q	Where does Mr. Mamone live, Mr. Stasi?
21		Α	I know just how to get there. I don't know
22	what	stree	t it's on.
23		Q	Do you know where he lives today?
24		Λ	I don't know.
25		Q	Didn't he move to Florida?

4B

		721
1	hp2	Stasi-cross .
2	A ',	I couldn't tell you. I don't know.
3.	. Ω	You never heard that he moved to Florida?
4:	A.	Not that I know of.
50	Q	Where did he live in 1970?
6	A.	At this house over there.
77	Q	The house over where?
8	A.	The house that you are talking about. I know
9:	it's behin	d Louis and Ernie's, there is a fireplace. I
10	don't go b	y numbers.
.11	Q	Do you know what borough it's in?
12.	Α.	It's in the Bronx.
18	Ω	Do you know what section in the Bronx?
14.	A	On Crosby, Crosby Avenue and it's a side
15	street.	
16	Q.,	You don't know that he moved away from the Bronx?
17:	Α.	I don't know.
18:	Q	Mr. Stasi, you testified that when you had dis-
19	cussions a	bout mixing sessions you would go outside the
20		would go off to the side. Do you recall that
21	testimony?	
22	Α	I do.
23	Q	The reason you did that was so that nobody
24	would hear	what you were talking about, isn't that right?
25	λ	Gigi called me on the side, that's right.
		and is august

			722
1	hp3	Stasi-cross	
2	Q	You didn't want anybody to hear you arrang	е
3	mixing s	essions, anybody in that club?	
4	A	That's right.	
5	Q	Did you ever see me before, Mr. Stasi?	
6	A	I don't think so.	
7	Ω	Don't you remember two weeks ago seeing me	in
8	Mr. Phill:	ips' office?	
9	Λ	I don't remember.	
10	Ω	Do you rememberme coming up there and aski	ng to
11	discuss th	nis case with you?	
12		MR. PHILLIPS: Your Honor, I object to thi	s.
13		THE COURT: I don't think it's necessary a	t all,
14	Mr. Ellis.	Why don't you move on to something else.	
15	•	MR. ELLIS: I have no further questions.	
16		MR. ROSENBERG: If your Honor please.	
17		THE COURT: Mr. Rosenberg.	
18	CROSS EXAM	INATION	
19	BY MR. ROS	ENBERG:	
20	Q	Mr. Stasi, you told us that you have been	receiv-
21	ing approx	simately \$250 a month, is that correct, from	the
22	government	?	
23	· A	That's right.	
24	Q	How long have you been getting that 250 a r	nonth?
25	Λ	I don't remember how long I been with them.	•
THE RESERVE OF THE PARTY OF THE			

		723
Ľ	hp4	Stasi-cross
2	Ğ.	Six months, a year?
3:	Y.	I couldn't tell you. I don't know how long.
4:	Q	Did you get more than one payment?
5	A	Oh, I did get more than one.
6:	Ω	Did you get more than five payments?
7.	ν.	I still don't I would say around that much.
8.	Q	Around five or six payments, wouldn't you say?
9.	y.	It's possible. I don't know. I'm not too sure.
10	Q	You told us that they also pay your rent?
11	. A.	That's right.
12	Q	How about food?
133	A .	I buy the food.
14.	Q	Out of the 250 a month?
15	A.	I eat in, I cook for myself, and I go out.
16:	Q.	How about female companions?
17.	A-	There is none.
18:	Ω	So can I assume then in the last six months you
19	haven't be	een with a female?
20		MR. PHILLIPS: Your Honor, I object to this.
21		THE COURT: Yes. It's quite irrelevant at this
22	point. Mo	ove on to something else.
23	Q	You have indicated that in the last year you have
24	snorted co	ocaine approximately three times a week, is that
25	right?	

h	-	5
h	,)

Stasi-cross

1	nps	Stasi-cross
2	MR. PH	ILLIPS: Your Monor, I object to this as
3	repetitious	
4	MR. ROS	SENBERG: If your Honor please, I wish
5	to develop it in a	a different area.
6	THE COL	URT: I will permit it. Go ahead.
7.	Q Is that	t correct, sir?
8	A That's	right.
9	Q In the	last month how many times have you snorted
10	cocaine?	
u	MR. PH	ILLIPS: Your Honor, I object to this again
12	as being repetition	ous.
13	MR. RO	SENBERG: If your Honor please, I wish to -
14	THE CO	URT: Hold it, both of you.
15	Gor ahe	ad.
16	Q How man	ny times in the last month did you snort
17	cocaine?	
18	A How co	uld I snort cocaine if I'm with the Federal
19	people?	
20	Q I aske	d you how many times in the last month
21	did you snort coc	aine.
22	A None.	
23	Q How abo	ut the month before?
24	A None.	
25	Q Didn't	you tell Mr. Siegal that you have been

11	720
hp7	Stasi-cross
N.	Two.
Q	Two deliveries in the last 20 years, that was
the only n	arcotic transactions you had with him, is that
correct?	
A.	That's right.
Q	Yet there came a time when John Barnaba approach
ed you and	instigated you to make a sale to Allie Boy, is
A	Called me up in my apartment.
Q	And he importuned upon you to make a sale to
an Allie B	oy, is that correct?
	MR. PHILLIPS: Objection to the form.
	THE COURT: I will permit it. Go ahead, answer
it.	
Q	Do you understand the question?
A.	Yes, go ahead.
Q	And you did make a sale, is that correct?
A	I made it to Johnny Bonneville.
Q	You made it to Johnny Barnaba who in turn made
it to Alli	e Boy?
λ	I sold it to Johnny Bonneville with Allie Boy.
Q	In other words, when Allie Boy purchased from
you, if I	understand you, sir, on the two occasions John
Barnaba wa	s present, is that right?
	the only no correct? A Q ed you and that correct A Q an Allie B it. Q A Q it to Allie A Q You, if I

		121
1:	hp8	Stasi-cross
2	ν.	One occasion.
3:	δ	John Barnaba was present on one occasion?
4:	A.	With Allie Boy.
5.	Ω	Was that the first occasion?
6:	A.	That's the first occasion.
7:	Q	Were you supposed to split profits at that time?
8	λ	I made my own.
9	Q	What was the purpose of John Barnaba being there
10.	at that ti	me?
11.	A	Because I'm supposed to give it to him. At
12	the time I	don't want to meet anybody. He says, "I got a
13:	partner."	
14:	Q	In other words, on that first occasion you gave
15:	it to John	Barnaba who in turn gave it to Allie Boy?
16	ν.	I gave it to them together.
17:	Q	Together?
18	Α.	Johnny Bonneville was there and Allie Boy was
19	present at	
20	Q	And on a second occasion you gave it to Allie
21	Boy yoursel	lf, is that correct?
22	Λ	I did.
23	. Ω	How did you make arrangements to meet Allie Boy?
24	Was that th	rough John Barnaba?
25	,	Through Johnny Barnaba, yes.

		. 128
11	hp9	Stasi-cross .
2	Q	Was that the only two occasions that you had
33	narcotics	transactions with John Barnaba in your entire
44	life?	
5:	A.	That's right.
6 6	Q	How about Harry Pannirello, do you know him?
7:	Α.	I don't know him.
8-	Ω	How about John Pannirello, do you know him?
98	N.	I don't know him. I know nicknames. If you
10:	would say	a nickname maybe I could tell you. But them are
11:		two sales I made.
12	Q	You don't know a Harry Pannirello or a John
133	Pannirello	by name, is that right?
14:	λ.	I don't.
155	Q -	How about a James Provitero, do you know him?
16:	λ.	I don't.
177	Q	How about a Mr. Dawson, do you know him?
18:	Α.	I don't.
19	Q	
20	Α	Do you know a girl they call Dottie the Blond?
21		I don't.
22	Q	Did you ever draw a barmaid home who threw mace
23	in your fa	
24	. y .	Threw what?
	Q	Mace. Do you know what that is?
25	A	Not in my face.

		729
1:	hp10	Stasi-cross
20	. М	R. PHILLIPS: Objection, your Honor.
33	T	HE COURT: I don't know where this is going.
44	I will let i	t go a little bit farther. We'll see.
55	Q Y	our answer is no?
6 6	y. I	says that nobody threw anything in my face.
77	Q Y	ou don't know a girl by the name of Dottie?
8	A N	c, I don't.
93	0	h, wait. All right, now I know who you mean.
10	Q Y	ou do know a young lady by the name of Dottie?
111	A s	he didn't throw nothing in my face.
120	Q Y	ou drove her home from work one day?
13 3	M	R. PHILLIPS: Your Honor, objection to the
14.	relevancy.	
15:	Ti	HE COURT: All right. This ispretty far out.
16.	I think I wil	ll have to sustain it.
17:	М	R. ROSENBERG: If your Honor please, if you
18:	will permit m	me one or two more questions
19	мі	R. PHILLIPS: I would ask for an offer of proof
20	your Honor, a	at the side bar.
21 .	TH	HE COURT: All right. Come up.
22	(2	At the side bar.)
23	715	R.ROSENBERG: I am informed that he drove this
24 .		ome and he exposed himself. This is the reason
25		ew mace into his face.

11	hpll Stasi-cross
21	MR. PHILLIPS: Even assuming
33	MR. ROSENBERG: This would be another immoral
44	act which I have a right to develop on cross-examination.
5 ÷	MR. PHILLIPS: Even assuming that to be true,
6€	it's not impeachment material, proper impeachment material
77	because it didn't result in a conviction of a felony or a
8:	crime of moral turpitude.
99	MR. ROSENBERG: I think that if he were to
10:	expose himself, if my information is correct, this would
11:	be a crime of moral turpitude.
12.	MR. PHILLIPS: Mr. Rosenberg, you don't under-
13 :	stand the Federal law on cross-examination.
14 -	THE COURT: That is not necessary.
15	I will not permit it.
16	MR. ROSENBERG: Exception.
17:	THE COURT: All right.
18 :	MR. ROSENBERG: I have no further questions.
19	THE COURT: All right.
20	(In open court.)
21	MR. ROSENBERG: I have no further questions.
22	THE COURT: Mr. Warner.
23	MR. WARNER: Your Honor, in case the Court is
24	worried, the mass of my materials does not reflect the
25	length of my cross-examination.

1:	hp12. Stasi-cross
2	THE COURT: Why don't you make two trips.
3 3	Seriously, because if you break that tape recorder I assume
44	it's going to cost you a lot of money.
55	CROSS EXAMINATION
6:	BY MR. WARNER:
77	Q Mr. Stasi, my name is Ken Warner. I represent
8.	Joseph Ceriale.
98	Mr. Stasi, you have known Mr. Ceriale for quite a
10	while, haven't you?
111	A Who is Ceriale?
12.	Q Sitting right there behind my chair.
133	A Oh, you are talking about Joe Red.
144	Q I am talking about Joseph Ceriale.
15:	A All right.
16:	Q You have known him for guite a while, haven't
177	you, Mr. Stasi?
18	A Yes, I do.
19	Q I am sorry?
20	A Yes, I do.
21	Q Would you say about ten years?
22	A I woule say so.
23	Q In fact, on some occasions he has loaned you
24	some money, hasn't he, Mr. Stasi?
25	A Never loaned me any money.
	A Never roaned me any money.

	732
12	hpl3 Stasi-cross
2.	Q You have no cutstanding debts to Mr. Ceriale at
3 3	this time?
4:	A I don't.
5:	Q Mr. Stasi, do you remember meeting Mr. Ceriale
∕ 6€	in Coppola's Restaurant about a year ago?
7:	A I ate there, yes.
8	Q And he was with his wife?
99	A Yes.
10	Q You came up to the table and asked his wife to
11:	telephone one of your girl friends?
12.	A Yes.
13:	Ω And Mr. Ceriale told you to get out of there,
144	he didn't want you talking to his wife that way?
15"	A He didn't say nothing to me.
16	Q Did he kick you away from the table?
17	A He did not.
18	Q Did his wife make that telephone call for you?
19	A I don't recall if she did or not.
20	Q Don't you recall that he told you to get away,
21	that he didn't want you to talk to his wife that way, in-
22 .	sulting her?
23	A He did not. He didn't say a word.
24 .	Q Mr. Stasi, let's talk about Joe Red for a minute
25	When was the first time you ever met Joe Red?

11	hp14	Stasi-cross	
2	N.	When I used to ask him for the mannite?	
3:	Q	When was the first time you met him?	
4:	y .	On the third occasion, the third mixing session.	
5.	That's all	I can go by. Gigi told me to go get the mannite,	
6	I used to	go to him.	
7.	Q	When was the third mixing session?	
. 8.	N.	I couldn't tell you. I don't know the year or	
9	the month o	or the date.	
10	Q	You don't know the year or the month?	
11:	. A.	I couldn't tell you. Like I said, if I were	
12	supposed to know this was happening I would keep a diary		
13:	of everything I do.		
14:	·δ	Mr. Stasi, you are not as bad on dates as you	
15.	claim to be	, are you?	
16.		MR. PHILLIPS: Objection as argumentative.	
17.		THE COURT: Yes, it is.	
18.	Q	Mr. Stasi, there are many dates that you remember	
19	isn't that	correct?	
20	A	Yes.	
21	Q	Even though you haven't kept a diary?	
22	Ŋ.	Yes.	
23	Q	Isn't it a fact that you remember that on June	
24	8th you wen	t to jail?	
25	λ	I remember that.	

		7	34
11	hp15	Stasi-cross	
2	Q	June 8th of 1973?	
3 3	ν.	Is that what it was?	
4:	Q	That is what it was, isn't it, and you reme	mber
5:	the day	and the month and the year, isn't that right?	
63	A.	Yes.	
77	Q	And you remember that you were in jail for 3	5
8.	days, is	n't that right?	
90	V	When I came out that's when I knew, it was 3	5
10	days.		
11:	, o	It was 35 days?	
12.	A.	Right.	
13	Ω	And you still remember that?	
14.	ν	I still do, right.	
15			
16			
17:	•		
18			
19			
20			
21			
22			
23			
24			

-	~	-
•	- 4	-
•		

		1	선생님에 가장 아이들 그 아이들 아이들이 있었다. 그리고 있다면 하는 아이들이 아이들이 아이들이 아이들이 아이들이 아이들이 아이들이 아니는 것이다.
	1:	ppl	Stasi-cross 735
· ·	2	Q	It was 35 days, and you still remember that?
	3:	Α.	I still do, right.
	4;	Q	Do you remember the date you were arrested?
	5.	A	I do.
	6€	Q.	Do you remember any of the months and years of
	77	the mixing	sessions?
	8	λ.	I couldn't tell you.
	9:	Q	You were interrogated by the police, isn't that
	10.	correct, M	r. Stasi, after your arrest in May of 1973?
	11:	A	I was questioned, because I didn't know what the
	12.	word meant	I was questioned.
	133	Q	Okay. You were questioned by the police?
	14:	Α.	Right.
	15	Q	And during the time that you were questioned
	16	by the pol	ice, did you remember the dates of any of the
	177	mixing ses	sions?
	18:	A.	No; I didn't.
	19	Q	During the time that you spoke with Mr. Phillips
	20	or anyone	else in the U.S. Attorney's office, did you
	21	remember t	he dates of the mixing sessions?

5A

22

23

24

25

poke with Mr. Phillips office, did you remember the dates of the mixing sessions?

No; I didn't.

Isn't it a fact, Mr. Stasi, that you gave dates for mixing sessions --

I did not.

1:	pp2	Stasi-cross
2	Q	whenever you were alone with the Assistant
33	U.S. Attor	ney?
4:	ν.	I did not.
5	Q	And you didn't have to be cross-examined and
6	stand up a	nd account for it?
77		MR. PHILLIPS: Objection.
8.		THE COURT: Sustained.
9:	Ω	Mr. Stasi, did you appear before a grand jury in
10	October of	1973?
11:	A	I did.
12.	Q	In regard to this case?
133-	Α	Yes.
14 -	Q	At that time, Mr. Stasi, were you asked this
15:	guestion a	nd did you give this answer:
16	"Ω	In or about July of 1972 did you and Joe Crow
17.	and Moe mi	x approximately 3 kilos of heroin at your place
18:	up in the	Bronx?
19	"A	Yes, sir."
20	A	I remember that.
21	Q	Do you remember being asked that question about
22	July of '7	2 and answering "Yos, sir"? Is that right?
23	λ	Yes, sir.
24	Ω	You didn't say, "I don't recall"?
25	. А	Well, because I

	737
1:	pp3 Stasi-cross
2.	Q Did you say you didn't recall?
3 3	MR. PHILLIPS: Objection. The witness didn't
45	
5 5	THE COURT: Let's get the rest of the answer.
6:	Go ahead.
77	A Yes. I remember that, but at the time it was
8	the wrong answer, because in going over my testimony with
99	Mr. Phillips
10	Q You were covering up
111	MR. PHILLIPS: I object to the interruption
122	of the witness's answer.
13:	THE COURT: Let him finish the answer first.
14-,	MR. PHILLIPS: May the witness be permitted
15	to
16.	THE COURT: Go ahead, Mr. Stasi.
17	A Going over my testimony with Mr. Phillips, then
18:	I knew I was wrong with that.
19	Q Did you speak to Mr. Phillips before you testi-
20	fied in the grand jury?
21	A How do you mean that? I don't understand.
22	Q I mean, did you have any conversations with him
23	about this case?
24	A No; I didn't.
25	Q You mean that when you confronted Mr. Phillips
11	

1	pp4 Stasi-cross
2	in the grand jury, that was the first time you had seen him?
3.	MR. PHILLIPS: Objection to the form of the
4:	question.
5	THE COURT: Sustained. Reframe it.
6	Q When you appeared before the grand jury and were
7.	questioned by Mr. Phillips, was that occasion the first time
8	that you had been questioned by Mr. Phillips about this case?
91	A No; it wasn't.
10	Q So you had discussed the case before you appeared
11.	in the grand jury with Mr. Phillips, and you discussed it
12	with him?
13	A Yes; I did.
14.	Q When did you first begin discussing this case
15	with Mr. Phillips?
16	A When he come to see me at the apartment, when I
17	was with the SIU.
18.	Q When was that?
19	A I don't know. I don't know the date, and I don't
20	know what month it was.
21	Q Do you know the year?
22	A I guess it was '73.
23	Q Do you recall how long it was after your arrest
24	in May of 1973?
25	A I couldn't tell you.

11	pp5	Stasi-cross
2.	Ω	Well, could you try, Mr. Stasi? It's very im-
3 3	portant, i	sn't it?
4:		MR. PHILLIPS: Objection to the form of the
5 :	question.	
6 :		THE COURT: Sustained.
77	Q	Did you meet with Mr. Phillips to discuss this
8:	case befor	e you went to jail on June 8?
9:	Λ	I don't I don't recall.
10:	Q	You might have or you might not have; is that
11:	what you a	re saying?
12.	Λ	I don't recall.
133	Ω	Do you recall that you didn't meet with him?
14.	A	I says I met him.
15	Q	I am saying, do you recall that you didn't mee
16	with him b	efore going to jail?
17	. У	Oh I don't know. I don't recall.
18:	Ω	Do you have any idea how Mr. Phillips came to
19	ask you ab	out July of 1972?
20		MR. PHILLIPS: Objection.
21		THE COURT: I will permit it.
22	λ	I don't know.
23	Q	Mr. Stasi, why did you say "Yes" in answer to
24	the questi	on concerning the mixing in July of 1972 if that
5	was not co	rrect?

13	ррб		Stasi-cross	
2		Λ	Maybe I didn't hear the question right, so I was	
36	confu	sed.		
4:		Q	Well, which?	
5:		V.	I was confused.	
6:		Q .	In what way were you confused?	
7.		V.	I don't know.	
8.		Ω	Mr. Stasi, was there anyone present to cross-	
9:	examine you at the grand jury?			
10			MR. PHILLIPS: Objection.	
11.			THE COURT: Sustained.	
12		Q.	Were you cross-examined at the grand jury?	
13			MR. PHILLIPS: Objection.	
14:		are gas	THE COURT: Sustained.	
15	2.85	Q.,	In any event, Mr. Stasi, during that same grand	
16	jury	appea	rance, were you asked the following question and	
17.	did	you gi	ve the following answer? This is immediately	
18:	after	the	question concerning July of 1972:	
19		"Q	Did the same thing happen in or about October,	
20	1972	?		
21		"A	Yes, sir."	
22			Were you asked that question and did you give	
23	that	answe	er?	
24		λ	Referring to what? I don't	

1	mpal Stasi-cross 741
2	Q When the questioner says," Did the same thing
3	happen?" the question immediately prior to that was,
4	"Did you and Joe Crow and Moe mix approximately three kilos
5	of heroin in July of 1972?"
60	And then: "Did the same thing happen in
7	October of 1972?
8	"A Yes, sir."
9	Were you asked that question and did you give
10	that answer?
111	A I don't recall.
12.	Q Well, Mr. Stasi, let me show you a copy of
13:	your grand jury testimony, dated October 2, 1973.
14	refer you to page 15 and ask you to read those two lines
15"	and ask you whether that refreshes your recollection.
16	A Well, I never mixed in '72. It was a mis-
17:	take.
18	Q Mr. Stasi, do you know what the grand jury
19	is?
20	MR. PHILLIPS: Objection.
21	THE COURT: Sustained.
22	Q Do you know what the function of the grand
23	jury is in the criminal process?
24	MR. PHILLIPS: Objection.
- 1	objection.

THE COURT: No, that's -- sustained.

1	mpa2
2.	Ω
3	based or
4 -	
5 :	Ω
6 -	your tes
7	to be in
8	
9	
10	Q
11	Mr. Stas
12	tell the
13	
14 -	
15 :	Q
16	

Q Mr. Stasi, are you aware of the fact that.
based on your testimony --

MR. WARNER: Withdrawn, Mr. Phillips.

Q Mr. Stasi, are you aware of the fact that your testimony before the grand jury can cause someone to be indicted?

MR. PHILLIPS: Objection, your Honor.
THE COURT: Sustained.

Q When you were testifying before the grand jury, Mr. Stasi, did you consider that it was important to tell the truth?

MR. PHILLIPS: Objection.

THE COURT: Sustained.

O Did you consider it was important to be accurate?

MR. PHILLIPS: Objection.

THE COURT: Sustained.

Q Approximately how many times, Mr. Stasi, in your best estimate, did you meet with Mr. Phillips or anyone else in the U. S. Attorney's Office to discuss this case prior to October of 1973, when you appeared bef ore the grand jury?

A I said once, at the apartment, and then when I went to -- when I went to his office.

O Do you recall how long prior to your testimony

25

17.

18

19

20

21

22

23

1	mpa3	Stasi-cross	743
2	before the	grand jury Mr. Phillips came to see you	u in
3	your apart	ment?	
4	, A	One time.	
5	Ω	How much time prior to that	
6€	A	No, before that? I couldn't tell you	1.
7:	Ω	How long did he talk with you?	
8	A	I would say three-quarters of an hour.	
9.	D.	And were you referring to notes at that	time?
10	Y.	I don't recall if there was.	
111	Ω	Was Mr. Phillips taking notes?	
12.	Ÿ	I couldn't tell you. I don't recal	11.
13	Q	Who was there besides you and Mr. Phill	iops?
14	ν:	There was two other fellows. I don't	know
15	their name	s.	
16	Ω	How long did you meet with Mr. Phillips	;
17	on the seco	ond occasion prior to your grand jury te	stimony?
18 -	Α.	When I went to the grand jury? I do	n't
19	understand		
20	Ω	On the second occasion, prior to your g	rand
21	jury testir	mony. You said you met with him twice	, Mr.
22	Stasi?		
23	Α	I says about 45 minutes.	
24	Q	The second time was 45 minutes?	
25	A	It might have been less the second time	. ' I

2.

just went upstairs.

3

1

Q Could it have been more?

4

A No.

5

Of preparation for this case, anything else could be less, but whenever you talk about narcotics transactions it could always be more, is that correct?

8

7

MR. PHILLIPS: Objection.

9

THE COURT: Sustained. Sustained.

10

Q All right, Mr. Stasi --

12

MR. WARNER: Your Hor

12.

to a different area. Do you want to take a break

13

at this point, before I continue, if the court wishes?

15

THE COURT: All right. We will have

Your Honor, I am going on

16

lunch.

17

Ladies and gentlemen, go with the marshals, please.

18

(The jury left the courtroom.)

20

19

(The witness left the courtroom.)

21

MR. CURRAN: Your Honor, may I be heard very

22

briefly? This has to do with the witness Barnaba,

23

your Honor. I learned over the weekend of material

24

involving a state court-authorized wire tap on John
Barnaba's telephone back in 197, in, I guess, the late

2.

1

summer, early fall of 1972.

3

4-

5

6

7

8

9

of the government, your Honor, and in my judgment it wasn't 3500 material and I believe I didn't have an obligation to obtain it. I did, however, because we want to make sure that we are turning over, if appropriate to the court or if appropriate to defense counsel. I learned this on Saturday afternoon. It relates in no way to the subject of this witness' direct testimony or to any defendant in this case. I have, however, the transcripts, and I can obtain the tapes. I have never listened to the tapes at all.

10 11 12

13

14

15

16

17

18:

20

21

22

23

24

.25

I would like to submit the transcripts to your Honor for examination in camera, again out of an excess of caution.

THE COURT: All right. Let me have them.

MR. CURRAN: Yes, sir.

THE COURT: All right. I will see you at 2.0'clock.

Before we go, hold on for a minute.

I don't want to embarrass anybody by calling defense counsel if he doesn't intend to cross examine.

Mr. Curley, you are going to cross examine, is that

right?

MR. CURLEY: Yes your Honor.

THE COURT: And who else?

MR. ROSENBAUM: Mr. Rosenbaum.

THE COURT: Anyone else?

All right.

(Luncheon recess taken.)

2.

33

4:

5:

6:

77

8

9

10

11:

12

13

14

15

16

17

18

19

20

21

22

23

24

AFTERNOON SESSION

2.00 P.M.

(Jury not present.)

THE COURT: The reason I was late this afternoon is: an attorney who you may recall once represented Mr. Stasi came in with some letters. He was not going to waive the privilege on behalf of Mr. Stasi, but after discussion he has agreed to waive it. That is what was going on.

MR. SEGAL: Your Honor, may I address the Court briefly?

THE COURT: Surely.

MR. SEGAL: On behalf of several assigned counsel, I have a request to make.

As the time approaches when other witnesses.

will be heard, several assigned counsel as well as myself

are not certain about the 3500 material and, in particular,

debriefing tapes of prospective witnesses Harry Pannirello,

Provitero and Parnaba.

Now, I understand that there will be some 3500 material on Barnaba distributed this afternoon, but as to the rest, rather than have counsel confronted just before these witnesses testify with a substantial body of material consisting of the debriefing tapes of those

1:

2

44

3

5

6:

77

8

93

10

11.

12.

13

14

15

16

17

18

19

20

21

22

23

24

25

pp2

witnesses, we would appreciate the Court's making a direction that transcripts of these debriefing sessions be made available to assigned counsel who are concerned with those witnesses whom I have named.

THE COURT: I gather that all the taped things have already been turned over; is that correct?

MR. CURRAN: That is my understanding; yes, your Honor.

MR. PHILLIPS: Yes. The debriefing tapes of Mr. Pannirello and Mr. Barnaba have been made available to defense counsel. There is a transcript of the Pannirello tape that is currently being Xeroxed for counsel.

MR. SEGAL: I don't know whether that is one tape or --

THE COURT: I don't know, either, but we will find out. I gather they are all going to be transcribed.

All right. You are giving copies to the government, and they are reproducing it?

MRS. ROSNER: I have, your Honor. There is one problem there. The Barnaba tapes, with the exception of the consent transmission between Barnaba and Inglese are inaudible. I sent them to the sound studios to see if the static which was preventing their transcription could be removed, and they have reported no success.

pp3

1

2:

33

4 4

5

6

7:

8

9 :

10

11

12

13

14

15

16

17.

18

19

20

21

22

23

24

As far as I know, those tapes are not transscribable.

We have one tape of Pannirello which has been turned over, and another one will arrive tomorrow, and I will turn that over.

MR. ELLIS: Your Honor, I, too, advise the Court that I tried to get the background noise removed from a Barnaba tape and have similarly been advised that that could not be done. The Barnaba tape that I have received is a copy of a copy that I believe was made by Mr. Dowd.

I was told by my engineer that the original might be in better shape, might be capable of being transcribed. We haven't hear that original.

I would ask the Court to direct Mr. Curran to ake that original available to us, unless he is transcribing it, in which event we will have some hope of getting that 3500 material.

MR. CURRAN: Your Honor, I will be very happy to make available the Barnaba tape, which was made available to defense counsel two or three weeks ago, again available to defense counsel.

MR. ELLIS: That is not the one we want to hear. We want the original.

1. pp4

2.

3

4:

5

6

7:

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

THE COURT: If that is all they have --

MR. ELLIS: Mr. Phillips told us he would make a copy available to us.

MR. CURRAN: My understanding is that Mr. Rogers has the original.

THE COURT: See if you can get it from him.

MR. CURRAN: And if we can, we will make it available.

THE COURT: All right.

MR. CURRAN: Yes, sir.

THE COURT: Do you have those letters? I don't think they are of any help to you, but you can read them. They are waiving the privilege.

MR. WARNER: Your Honor, I would like to make an application at this time for the correction of one of the transcripts which has been prepared of the tapes, specifically Tape 515, Side A.

I may during the course of my cross-examination have occasion to refer to a certain passage, and for that reason I would like it to be corrected. I am referring on the transcript to page 39.

THE COURT: Yes.

MR. WARNER: The first paragraph of any substance, your Honor, where it says:

1	pp5
2	"VOICE: I'm not going to spend a lot of money"
3:	The correct reading of that passage is, after
4.	Stasi says, "That's what I did yeah, I say", the
5	voice says:
6	"I'm not going to spend a lot of money and time
7.	with you if you are not going to lie and you get the silly
8	ideas out of your head"
9	That, your Honor, is the correct transcription
10	of that passage.
11.	MR, PHILLIPS: We don't dispute that, your
12	Honor.
13	THE COURT: The word "not" goes in. "if you
-14-	are not going to lie."
15	MR. WARNER: And also, "if you got" that's
16	supposed to be "get."
17	THE COURT: Do you want to take a look at those
18	letters?
19	MR. WARNER: I did already, your Honor.
20	THE COURT: All right. Are we ready otherwise?
21	MR. WARNER: I am ready.
22	THE COURT: Bring in the jury and the witness
23	also.
24	(Court's Exhibits 53 and 54 marked for
25	identification.)

xx

office?

1	mpa .
2	(Jury present.)
3	FRANK STASI resumed.
4	CROSS EXAMINATION CONTINUED
5	BY MR. WARNER:
6	
7	god talk with Mr. Phillips
8	or anyone from his office during lunch, during the
	lunch break?
9	A Yes, I did.
10	Q Whom did you speak with?
11	A Yes, I did, pertaining to the lawyer.
. 12	Q Did you have any other conversation except
13	that one?
14	A That I am supposed to meet some a lawyer.
.15	Ω I understand that. Mr. Stasi, did you have
16	any conversation concerning your testimony?
17	A No.
18	Q When was the last time to
19	Ω When was the last time that you spoke with either Mr. Phillips or anyone in his assi
20	Mr. Phillips or anyone in his office or anyone in law en- forcement concerning your testimony?
21	
22	thus here last week.
23	Q What about over the weekend, Saturday, Sunday?
2	λ No.

Did you meet at all with anyone from Mr. Phillips

1	mpa	Stasi-cross	7 53
2	, A	No.	
3	Ω	Or anyone from law enforcement?	
4	A	No.	
5		MR. PHILLIPS: May we have a time	me on that,
6	your Honor		
7		MR. WARNER: I was referring to	the week-
8	end.		
9		THE COURT: The weekend.	
10	Ω	You said the last time, Mr. Stasi,	was last
11	week?		
12	A	Yes.	
13	Q	When was that? When was it?	
14	A	Wednesday, I would say.	
15	Q	Mr. Stasi, I'd like to ask you a co	ouple of more
16	questions	about dates and your ability or ina	
17		r them.	
18		It's your testimony, isn't it, that	t you have
19	a very bad	memory today, is that correct?	
20		THE COURT: I don't think he said	that.
21	A	I didn't say a word.	
22	Q	Are you able to remember dates, Mr.	Stasi?
23	λ	No, I'm not.	
24	Ω	Isn't it a fact, though, Mr. Stasi,	that
25	in addition	to the specific dates that I menti	

that same day and did you give the following answer:

And were you asked the following question on

21

22

23

24

25

1

3

4

5

6

7

8

9

10

11

12

13

14

15

is --

16

17

18

19

20

21

23

24

25

"Q Did you on or about May 30, 1973, have a conversation with Vincent Rizzo, where he expressed an interest in purchasing only heroin and not cocaine?

"A Yez, I did"?

Were you asked that question and did you give those answers?

A Yes.

Now, Mr. Stasi, in fact, you claim you didn't remember those dates, is that right?

A Well, I'll tell you how them dates came about, when I was --

Ω Did you --

MR. PHILLIPS: Objection. The witness

THE COURT: Let him answer the question.

When I was interviewed by Torrey Shutes he was coming to the dates that he was trying to -- that is how it happened. They tried to give me specific dates. They tried to get around to specific dates, the year and the months, that's how it came about.

Q Did you try to give spedific dates in this case then?

A He was trying to come close to the years and

1	mpa		Stasi-cross	756
2	the	dates.		
3		Ω	Were you able to?	
4	,	A	No, I wasn't.	
5		Ö	But you testified to the dates before	the
6	gran	d jury	, correct?	
7		Λ	Well, they felt it was the right date	s.
8		Q	Did you feel it was the right dates?	
9		•	MR. PHLLIPS: Objection as argument	ative.
10			THE COURT: No.	
11		A	No.	
12		Ω	You didn't know, did you?	
13		Α	That's right.	
. 14		Ω	But you answered yes, anyway?	
15		Λ	I did.	
16		Q	Were you under oath before the grand	jury?
17			MR. PHILLIPS: Objection.	
18			THE COURT: No, I will permit it.	
19		Α	I was.	
20		Ω	Did you think there was anything wron	g, Mr.
21	Stas	i, in	saying that you did remember when in f	act you
22	didn	't rem	ember and you were under oath?	
23			MR. PHILLIPS: Objection as argumen	tative.
24			THE COURT: Yes, it is.	
25				

64x111

25

1	jhal	Stasi-cross 757
2	Ũ	Do you know that that's perjury, Mr. Stasi?
3		MR. PHILLIPS: Objection as argumentative.
4		THE COURT: Sustained.
5		MR. PHILLIPS: It is also misleading, your
6	Honor.	
7	Q	Mr. Stasi, isn't it a fact that you testified
. 8	to specific	dates before the grand jury because at
9	that time	ou felt that is what the people wanted to
10	hear?	
11	A	I didn't say that.
12	Ω	Is that a fact though?
13	. А	I wouldn't say that.
14	δ	Why did you answer to specific dates when in
15	fact you di	dn't know about specific dates, Mr. Stasi?
16	A	Well, they come to that conclusion that it
17	might have	been close to that and that's it. They were
18	trying to p	ut dates down. I don't remember dates.
19	Ú	In other words, Mr. Stasi, if Mr. Phillips or
20	anyone conn	ected with Mr. Phillips came to a conclusion
21	about a spe	cific date you went along with it, right?
22	λ	I did not.
23	Ď	Mr. Stasi, this morning when I asked you
24	. about some	of the dates you indicated that perhaps you

didn't hear the question. You didn't really mean that,

1

2

3

4

5

6

8

9

10

11

12

13

. 14

... 15

16

17

18

21

22

23

25

A I don't recall.

been confused before the grand jury?

Ω Were you confused when you were before the grand jury?

A I told the truth.

3

5

6

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Was the truth, Mr. Stasi, that you remembered Q specific dates?

MR. PHILLIPS: Your Honor, I object at this point. It is becoming argumentative and repetitious.

THE COURT: It is.

Mr. Stasi, subsequent to your testimony before the grand jury did you meet with Mr. Phillips or anyone else connected with his office to prepare and review your testimony for this case here today.

Just to go into the grand jury, that's all.

After you want before the grand jury didyou meet with Mr. Phillips to discuss your testimony for this trial?

Well, we prepared for trial. Not after the grand jury. I was called down to come and see him.

I don't follow that question. Is that what you are trying to say?

I don't follow that question. Is that what you are trying to say?

Q No.

Well, maybe I don't follow the question then. A

I will try to clarify it, Mr. Stasi. 0

Prior to your testimony before the grand jury --

or stated to you that might be asked of you on cross

Were questions given to you or asked of you

What do you mean by posed?

23

25

Λ

20

21

22

23

24

25

examination?

jha

A No.

Q Did you ask anyone who was working with you what might be asked on cross examination?

A I did not ask.

Ω Did you discuss dates during any of your meetings with Mr. Phillips or anyone --

A We were trying to get close to dates, yes, which I couldn't remember.

Ω Isn't it a fact, Mr. Stasi, that you were instructed not to mention any dates so you couldn't be cross examined about it?

A I was not.

You figured that out yourself?

MR. PHILLIPS: Objection.

THE COURT: Sustained.

Q Mr. Stasi, you mentioned that you knew or you have known Mr. Ceriale about 10 years, is that correct?

A I would say.

O But you are not close personal friends with Mr. Ceriale, is that right, you knew him from the heighborhood, you have seen him around?

A The neighborhood. I spoke to him numerous times.

3

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23 24

25

Q In the neighborhood, the Pleasant Avenue neighborhood?

A That's right.

Q You never saw him at the Beach Pose Social Club. for example?

A No, I didn't.

Q Mr. Stasi, the man from whom you say you purchased mannite, who was called Joe Red, right, how long have you known Joe Red?

A Ten years.

Q How long have you known Joe Red by the name Joe Red?

A I gave the name. 'I couldn't think of the nickname. I just happened to say -- like you said, I know him by Joe. They were trying to get a nickname. I says, "At one time I think he had tinted hair," meaning red hair at the time.

Q Wait a second, Mr. Stasi.

A I'm sorry.

MR. PHILLIPS: Objection, your Honor.

THE COURT: I think the witness should be permitted to complete his answer. You asked a question. Let him answer.

MR. PHILLIPS: Complete your answer.

1	jha Stasi-cross 763
2	A I said, "I know years ago he had sort of red
3	hair." So that's what made me think of Joe Red.
4	Q You didn't say that at all, did you, Mr.
5	Stasi?
6	A I didn't say that.
7	O No, you never said it, did you?
8	A When I was interviewed. They said, "You
9	don't have a nickname?"
10	"I only know him by Joe."
11	Then after a while I says, "I think it's
12	Joe Red." And that's how I came to that name.
13	Q Mr. Stasi, isn't it a fact that you said that
14	you have only known Joe Red a couple of years?
15	A I don't recall that.
16	MR. WARNER: The reference is to the
17	transcript of cassette 477, your Honor, page 28.
18	Q Mr. Stasi, you remember being debriefed on July
19	11, 1973?
20	A I don't remember the date.
21	Q That was the day after you got out of jail.
22	A All right.
23	Ω Do you remember being asked this question and
24	. giving this answer:
25	"How long you know him," referring to Joe Red, who

to you you didn't know who he was, isn't that right?

The way he put it to me --

24

25

Λ

1	jha Stasi-cross 765
2	Q Is that correct, that
3	MR. PHILLIPS: Objection, your Honor.
4	MR. WARNER: I have a right to get an
5.	answer.
6	
7	THE COURT: Yes. The witness is giving
8	you an answer. Let's relax and let him get it out.
9	Go ahead, Mr. Stasi, finish.
	A He had asked me Gigi says to me, he says,
10	"Go down on Pleasant Avenue, go and get some mannite."
11	He says, "There's a guy by the name of Joe Down there."
12	"Who is he?"
-13	Q What do you mean, "Who is he"?
14	A I'm saying to him, "Who's Joe?"
. 15	He says, "Well, he's always on Pleasant
16	Avenue. He sells Mannite."
17	Through that there I says, "I got an idea who
18	you mean."
19	So when I went down there it was Joe. I
20	went to him. I says, "Gigi wants mannite," and that
21	was it.
22	Ω How long has Joe Red been selling mannite, to
23	your knowledge?
24	A I couldn't tell you that.
25	Q By the way, you also were involved with Joe

1	jha Stasi-cross 766
2	Red on purchases of what is called Merch's milk, isn't
3	that right?
4	. Λ I was? I only went down there one time.
5	Q You only went down where one time?
6	A I went down there looking for him, he wasn't
7	there, if you are going to bring that up.
8	Ω Bring what up?
9	A The way you saying about Merch's milk.
10	
11	
12	
·13 .	
14	
. 15 、	
16	
17	
18	
19	
20	
21	
22	
23	
24	

1

3

5

6

7

8

9

10

11

12

13

14

15

16

18

19

20

21

22

23

24

25

2B

I said no. A

When did you go down to look for the Merck's milk?

When did I go? I don't remember when it was.

Do you have any idea, whether it was in the Q

1	hp2 Stasi-cross
2	past year?
3	A I couldn't tell you.
4	Q Or two?
	A I couldn't tell you.
5	
6	Q Mr. Stasi, when you said that you have known
7	Joe Red only a couple of years were you telling the truth
8	then?
9	A I says I don't know.
10	Q You don't know if
11	A I know it was more than that. Like I said,
12	I was confused probably at the time. I know him more than
13	two years.
14	Q You think you might have been lying at that time
15	Mr. Stasi, perhaps to cover up some more?
16	MR. PHILLIPS: Objection. It has been asked
17	and answered, your Honor.
18	THE COURT: Yes.
19	Q Mr. Stasi, when you would go for the purchase
20	of mannite by the way, how many times did you go?
21	A Four times. It was always at my place.
22	Q Was there any particular time that you would go
23	to meet Joe Red?
24	A He told me that he's there from 12.30 to 3
25	o'clock in the afternoon.

1	hp3		Stasi-cross
2		Q.	12.30 to 3?
3		A	That's right.
4		Q	On a daily basis?
5	- 2	A	He was there every day when I went there.
6		Q	Can you give us some idea of when you went there?
7		A	I couldn't tell you.
8		Q	Some idea?
9		Λ	I couldn't tell you.
10		Q	Can you tell us the season?
11		A	It could have been the summer and it could have
12	been	the w	inter. I couldn't tell you just what months.
13		Q	It could have been the summer and it could have
14	been	the w	inter of 1970?
15		A -	Or '71, '72.
16		Q	When you went there, Mr. Stasi, would you go by
17	your	own c	ar?
18		Λ	That's right.
19		Q	How long would you spend on that mission general-
20	ly?		
21		A	I would stay there until he comes back.
22		Q	How long would that usually take?
23		A	About an hour.
24		Q	Do you know where he went to get the mennite?
25		Α	No, I don't.

1	hp4	Stasi-cross
2	Q	You never went with him then?
3	Α	No, I didn't.
4	, _Q	Mr. Stasi, will you describe the appearance of
5	Joe Red?	
6	A	Right now?
7	Q	I want you to describe the appearance of the Joe
8	Red from w	whom you purchased mennite.
9.	ν	When I was down there? I don't follow that
10	question.	
11	Ω	I want you to describe his appearance. For
12	example, w	that color hair did he have?
13	Ä	He's got gray hair now.
14	Ğ	What color hair did Joe Red have?
15	A	Like a bluish-gray.
16	Q	When you purchased mennite from Joe Red his hair
17	was what c	color?
18	A	I would say the same.
19	Q	Mr. Stasi, isn't it a fact that you said that you
20	purchased	mennite from Joe Red, who had red hair?
21	Α	I just said they wanted a nickname, so I thought
22	of Red.	
23		MR. WARNER: I am now referring to 515, Side B,
24	page 16.	
25	Ω	Mr. Stasi, do you recall being debriefed by the

2

3

5

7

9

12

13

16

17

18

19

20

21

22

23

24

25

hp5 Stasi-cross

police on July 10, 1973, the day --

I do. A

At that time you were asked various questions about narcotics transactions?

Right. A

And you were also asked about the purchase of mennite?

A Right.

Mr. Stasi, I am going to play a tape for you and I am going to ask whether you recall being asked these questions and giving these answers.

MR. PHILLIPS: Your Honor, I object if this tape is going to be played in the presence of the jury.

MR. WARNER: Your Honor, I think it's entirely appropriate that the tape be played in the presence of the jury and I can explain to your Honor why either at the side bar or from here.

THE COURT: Come up.

(At the side bar.)

MR. WARNER: Your Honor, the tape that I am about to play was supplied to me by the government and it's a tape recording of the debriefing session on July 10, 1973. That is completely undisputed.

Since I can read from the transcript and say to

hp6

Stasi-cross

3

1

4

5

7

8

9 10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

him, "Did you make this statement, did you give that answer," I think it's much better and much more appropriate for the jury to hear the exact words he spoke and his answers.

MR. PHILLIPS: Your Honor, the tape is not in evidence. That is why we object to its being played to the jury. It can be played to Stasi outside the presence of the jury.

We would submit that your Honor can exercise your discretion in requiring Mr. Warner to do as other counsel have done, in order to save time, among other things, and present the transcript to Mr. Stasi to see if that refreshes his recollection, and if it does, if he says what is on there and what is on the tape, that is it.

MR. WARNER: The reason I think that is inadequate, your Honor, is that his tone of voice in explaining about Joe Red and explaining about the red hair that Joe Red has is extremely important. I think it will become evident to the jury that the answer did not come out in the way that Mr. Stasi indicated.

MR. PHILLIPS: Mr. Warnerhas not laid any foundation for the playing of the tape in the presence of the jury.

MR. WARNER: Your Honor, I will be pleased to

hp7

play it to Mr. Stasi and ask him if that is his voice during the interview and then I can ask that it be introduced.

I don't see why we have to go through that, because the government knows that is the appropriate tape.

THE COURT: Are you going to offer it?

MR. WARNER: I am going to offer that section of the tape, yes.

MR. PHILLIPS: The government objects to any offer because there is no basis for offering it. There is no inconsistency until Mr. Stasi is confronted with it. He can be just as easily confronted with the transcript to see if that refreshes his recollection as he can be by having the tape played.

In any event, if the tape is going to be played it ought to be played outside the presence of the jury.

MR. WARNER: Your Honor, I think the defendant would be grossly prejudiced if the jury is unable to hear the sound of his voice. I will play the tape for your Honor in chambers if your Honor wishes to see how important the sound of his voice is on that tape.

THE COURT: I think I will take you up on that one.

MR. WARNER: All right.

THE COURT: How long is this?

Stasi-cross hp8 MR. WARNER: It's a very small segment. THE COURT: All right. I will let the jury go and I will listen inside. (In open court.) THE COURT: Ladies and gentlemen, we have a little matter which came up that I am going to have to handle outside of your hearing right now. So I am going to request the marshal to take you back to the juryroom. I think most likely it will take about fifteen minutes. (Jury left the courtroom.) MR. ELLIS: Your Honor, may the defendants be 13 excused? THE COURT: Yes. In fact, I guess it would be easier logistically, unless all counsel want to get involved in this, if Mr. Phillips, Mr. Warner and myself and the court reporter retired to the robing room. Be 17 18 here at 3.15.

MR. SUNDEN: Judge, is this a prospective ruling about the use of tape recordings on crossexamination?

THE COURT: Yes.

MR. SUNDEN: Although I have had nothing to do

here --

2

5

6

7

9

10

11

12

14

15

16

19

20

21

22

23

24

25

2

THE COURT: You have done well.

FOLEY SQUARE, NEW YORK, N.Y. CO 7-4580

hp9

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

MR. SUNDEN: -- I would anticipate a similar situation would come up in, let us say, the Pannirello tapes.

THE COURT: All right.

(In the robing room.)

MR. WARNER: Your Fonor, I have the three tapes.

I have them indexed according to numbers. I thought I would not burden the Court with a great deal of time.

Do you have the transcript?

MR. PHILLIPS: Yes.

THE COURT: This is one I don't have, right?

MR. PHILLIPS: I don't know.

THE COURT: Is this what you are talking about, page 16 of the C-515 casette?

MR. WARNER: Yes.

MR. SUNDEN: Your Honor, prior to playing the tapes, I wasn't present at the side bar conference with yourself and Mr. Phillips and Mr. Warner, but I wonder if you could just specify the question here.

THE COURT: The question is the tone of voice of the witness Stasi as recorded on the casette.

MR. SUNDEN: The tone of voice?

THE COURT: That is what Mr. Warner tells me.

.

MR. SUNDEN: Is there any dispute as to, as a cross-examination device, using the recordings as opposed to the transcript? Is that an issue here?

THE COURT: That is part of it, yes.

MR. WARNER: Although it was my argument that that should not be part of it because the tapes and the transcript are equivalent. If anything, the tape is better --

MR. FISHER: The tapes are better than the transcripts.

MR. WARNER: That's right.
(Tape played.)

SOUTHERN DISTRICT COURT REPORTERS, U.S. COURTHOUSE FOLEY SQUARE, NEW YORK, N.Y. CO 7-4580 3A

MR. WARNER: Now, your Honor, that is just the first. I submit that when the jury hears that, they are not going to believe that that was something that was untrue. At least, I think they should be given the opportunity to consider that.

Then I've got the other tapes, which I could also play for your Honor, which I feel make the same point concerning the spontaneousness with which Stasi uttered the fact of red hair.

MR. PHILLIPS: I think I articulated the government's position at the side bar, but I will restate it.

There is no foundation for the playing of the tape before the jury, because Mr. Warner has not asked Mr. Stasi whether he said to the detectives that he went down to meet a man with red hair, nor has he shown him the transcript to refresh his recollection that that is what he did say to the detectives.

MR. WARNER: I believe I did say to Mr. Stasi, "Did he have red hair?" and he said, "No."

MR. PHILLIPS: As a general proposition,

a witness, in refreshing his recollection, can only be
shown the document until the document is in evidence.

Once it is in evidence it can be read from. These tapes

pp2

Stasi-cross

(In open court; jury not present.)

are not in evidence.

But the main point is that no foundation has

been laid to show an inconsistency. The way Mr. Fisher did, we have no objection to that. It was done outside the presence of the inconsistency.

the presence of the jury.

MR. FISHER: May I suggest this: if that is the government's objection, then all you need do is ask him if on that date he made that statement. If he says yes, that's it for the nonce. If he says no, then you can play the tape.

MR. WARNER: I disagree. If he says yes, I can play the tape.

I personally feel that if we are trying to move along with the case, it doesn't make any sense for the government to stand on a technicality, which I will be glad to surmount, where they have supplied the tape. The government doesn't dispute the authenticity of this tape. So what Mr. Phillips talks about -- I am sorry.

THE COURT: I understand the problem. All right. Go out, and I will be right out.

MR. WARNER: Would your Honor like to hear the other tapes as well? It's the same thing.

THE COURT: No.

THE COURT: Mr. Warner, it is my understanding of your position that you feel that the confident tone of the witness Stasi was such that that might be in and of itself a contradiction; is that correct?

MR. WARNER: Well, there are several points, your Honor. First, Mr. Stasi said in his direct testimony that he did not say that Joe Red had red hair at the time of the purchases, so it's a contradiction. That is one of the points.

The other point is that by playing the tape I do one better than reading the transcript, because playing the tape communicates not just the confident tone but the spontaneous tone and the natural tone which he expressed.

THE COURT: Spontaneity and confidence -- it's one and the same thing.

I am going to permit you to play the tape if Stasi testifies -- first of all, you are going to have to go through the usual routine as to whether or not he said it and so forth.

MR. WARNER: I believe Idid it.

THE COURT: My notes don't reflect it. Maybe you did. I don't know. Do it again, anyway, just to make me happy.

MR. WARNER: All right.

1

3

5

6

8

10

11

12

13

14

15 16

17

18

19

20

21

22

23

24

25

THE COURT: And then go one step further.

I would suggest a question along the following lines. You phrase it any way you want to. Ask whether at the time that he made the statement, "Were you confident that he did have red hair, or were you confident that you were giving the correct description?" -- whatever you want to do along those lines.

MR. WARNER: Except, your Honor, if his testimony is, "Yes, I said that he had red hair," and I can't ask if he had red hair, but I think the testimony is going to be, "I did not say he had red hair."

THE COURT: No. I think you can go to the next If he says no, then you can play the tape. Or if step. he says no, he didn't say he had red hair --

MR. WARNER: And if says that he was confident at that time but he was lying, that could go together. But one never knows what will come out of a witness's mouth -I assume I can play the tape.

THE COURT: He was confident but he was lying --MR. WARNER: I don't know if that's possible, but there are a lot of things this witness said that I am not able to reconcile.

> THE COURT: All right. Let's see what happens. Mr. Clerk, would you bring back the witness and

1	pp5 Stasi-cross
2	the jury.
3	Tell me, Mr. Warner: how long do you expect to
4	be?
5	MR. WARNER: This is actually my penultimate
6	point, your Honor, and the final point is a general wrap-
7	up. I would be surprised if I reach four.
8	THE COURT: I am not trying to get you to
9	MR. WARNER: I understand, your Honor.
10	(Jury in box; witness on the stand.)
11	BY MR. WARNER CONTINUED:
12	Q Mr. Stasi, it was your testimony just a few
13	moments ago, was it not, that you made up the nickname Joe
14	Red; is that correct?
15	A I know him by "Joe." I just thought about it -
16	Q Just thought about what? A nickname?
17	A I thought he had tinted hair at the time when
18	I knew him.
19	Q Mr. Stasi, your testimony before was that you
20	made up the nickname "Joe Red."
21	A Yes.
22	Q Now, isn't it a fact, though, Mr. Stasi, that
23	you told the police during your debriefing session that
24	Joe Red, from whom you purchased mannite, had red hair?
25	Λ That's what I thought. I says, that's what I
THE RESERVE OF THE PARTY OF THE	

1	pp6 Stasi-cross
2	thought, because I knew him from then; he had tinted hair,
3	and I thought of "Red."
4	Q Now, at the time you were being debriefed
5	I am referring now to the July 10th debriefing at that
6	time, did you tell
7	MR. PHILLIPS: Mr. Warner, which Government's
8	exhibit are you referring to?
9	MR. WARNER: Well, it's tape No. 515-B.
10	THE COURT: Is that page 16?
11	MR. WARIER: Yes.
12	THE COURT: "Were you asked the following
13	question and did you give the following answer?"
14	MR. WARNER: No. I wasn't going to put it that
.15 .	way.
16	THE COURT: All right.
17	. Q Did you tell the police that when you purchased
18	the mannite from Joe Red, he had red hair?
19	A I don't recall.
20	Q You don't recall?
21	A I don't recall saying that he had red hair.
22	Q Do you recall making up the nickname "Joe Red"?
23	A I thought of that. I says, because years ago he
24	had said that red hair, and I come out with the nickname.
25	That's why I said "Red."

1	
2	
3	
4	
5	
6	
7	
8	
9.	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	1
22	
23	
	- 61

pp7 Stasi-cross

Q But, Mr. Stasi, you just said now, years ago he had red hair; is that right?

A Sort of reddish hair.

Q All right. Is it your testimony now that you did not tell the police that the color hair of Joe Red was red?

A I might have.

mpa

3

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Mr. Stasi, I am becoming a little confused Q Let me ask you another question to try myself. to clarify this.

When you were speaking to the police -- I am talking about July 10th, the day you got out of jail -was it your opinion that the Joe Red you were referring to had red hair?

That's what I said before. I just kept saying the thing. They asked me, "Who, Joe, Joe?"

"I only know him by Joe." And I says, "I think he has red hair, " and I says, "Joe Red." what I kept saying all the way.

Were you confident at the time you said that, Mr. Stasi, were you sure at the time you said that, that he had red hair?

A No.

All right. Mr. Stasi, I am going to play O a recording for you of the July 10th debriefing session.

MR. PHILLIPS: Objection, your Monor.

MR. WARNER: Excuse me until I finish the question.

(Continuing) And I am going to ask you whether you were asked the questions on that recording and made the answers.

2

3

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

25

tions.

MR. PHILLIPS: Objection.

THE COURT: Objection sustained.

Let's reduce this now. The offer is,

I gather, the one question and one answer, is that right?

You said the whole tape.

MR. WARNER: I am sorry, your Honor. I didn't mean to say that. I am going to play the witness a portion of the tape concerning the subject matter.

THE COURT: The one question and one answer?

MR. WARNER: Well, it's actually two ques-

THE COURT: All right. Two questions and two answers.

All right. I will permit that.

MR. WARNER: Your Honor, may I request of the court that if any members of the jury have any trouble hearing this or if Mr. Stasi has any trouble figuring out that's on the tape I will be glad to play it again.

(Tape played.)

THE COURT: Now, the question is, Mr. Stasi, were those questions asked and did you give those answers?

THE WITHESS: Yes, I did.

BY MR. WARNER:

Q And at the time you gave those answers, Mr.

22

23

24

25

Stasi, you were quite certain that Joe Red had red hair, weren't you?

- A I must have been.
- And in fact, Mr. Stasi, Joe Red does have red hair, doesn't he, because Joe Red is not Joe Ceriale?
 - A I made the man out.
 - Q What do you mean?
 - A That's the fellow I got the name from.
- Q Mr. Stasi, you don't have any trouble recognizing the color red, do you?

MR. PHILLIPS: Objection, your Honor, it's argumentative.

THE COURT: No, I will permit it.

Mr. Stasi, do you have any difficulty in recognizing the color red?

THE WITNESS: No, sir. No, your Hoinor.

Now, Mr. Stasi, do you recall being debriefed on or about July 15, 1973 and being asked about the purchase of mannite among other things during that debriefing?

A I don't recall, if I did -- if you say so -I couldn't tell you.

- Q You are willing to take my word for it?
- A I couldn't tell you.

19

20

21

22

23

24

25

566.

DISTRICT COURT REPORTERS, U.S. COURTHOUSE

THE COURT: Which one is this now?

The reference to the transcript page is 7.

RM. WARNER: This is the transcript of tape

A Yes.

22

23

24

- Q Bid you give those answers?
- A I did.
- Q And is it your testimony that the nickname that you referred to in there you made up?

	790
2	A I didn't make it up I made "Red" so I say
3	on account of I thought he had red hair.
4	Ω The testimony that you were
5	MR. WARNER: Withdrawn.
6	Ω Is it your testimony, then, Mr. Stasi, that
7	the recorded portion that I just played was made up by you,
8 .	wasn't true?
9	A It is not. I know the fellow Joe.
10	Ω What about the material concerning his red
11.	hair? That was made up, though, right?
12	A I just kept saying it, I know him years ago,
13	that the fellow had tinted hair, and I thought of Red,
14	the nickname.
15	Ω Mr. Stasi, it's your testimony in this
16	court, and it wasyour information given to the police,
7	that you had purchased mannite from a man named Joe Red,
.8	isn't that correct?
9	A That's what I said.
0	Q And that that man had red hair, isn't that
1	correct?
2	A Well, that's probably what I told them then.
3	Ω Was that true, Mr. Stasi?
4	A He don't have red hair.
5	0 Well, why did you say he did have red hair?

1.	
	mpa Stasi-cross 791
2	A I didn't
3	THE COURT: Do you want to ask that ques-
4	tion?
5	MR. WARNER: Yes, I do, your Honor.
6	THE COURT: I think you ought to reframe
7	it.
8	MD DUTYTTO
9	MR. PHILLIPS: No objection by the government
	your Honor.
10	THE COURT: All right. Read the question,
11	Mr. Reporter.
12	MR. WARNER: I will withdraw it, your Honor.
13	BY MR. WARNER:
14	Ω Mr. Stasi, you told the make
15	you told the police that the man
16	from whom you purchased mannite had red hair, is that
	correct?
17	A That's what I said.
18	Q Isn't it a fact, Mr. Stasi, that when you said
19	that you were telling the truth?
20	A I was. I thought I was. I made the iden-
21	tity. Isn't that enough?
22	
23	you were interviewed by the police
24	in various debriefing sessions, is that correct?
	A I was.

And during those debriefing sessions you gave

10

11

12

14

15

16

17

18

19

20

21

22

23

24

1	jhal	Stasi-cross	793
2	Q	And one of the names that you gave	
3	Red?		
4	Α	That's right.	
5	Q	After you had given the name Joe Rec	i to the
6	police the	ere ultimately came a time when you wo	
7		n identification, isn't that right?	asked
8	Λ	That's right.	
9	Ω	And that was toward the end of July	or the
10	beginning	of August, is that correct?	or the
11	A	I don't remember. I can't recall.	
12	A	It was a few weeks after you told th	
13	names of d	ifferent people, isn't that right?	en the
14	Λ	I don't know.	
15	Q		
16		At that time, Mr. Stasi, you were shor things, video tapes?	own,
17	. A	That's right.	
18	Q		
19	Avenue area	And you were shown video tapes of the	Pleasant
20	A	I was.	
21	Ω		
22		Which were taken of people who were p	assing
23		area, isn't that correct?	
24	λ	Yes.	
25	Ω	There were regular pedestrians passin	
	there were	some of the people who are in this tr	ial pass-

t4a

19

16

17

18

21 22

satisfying the police?

23

A I wouldn't say that.

25

How do you think that you would help yourself in this case, Mr. Stasi?

1	jha3	Stasi-cross	795
2	Λ	By telling the truth.	
3		MR. FISHER: Objection, your	Honor.
4		THE COURT: He answered the qu	uestion,
5	"By telling	g the truth."	
6	Ω	Isn't it a fact, Mr. Stasi, that	you are going
7	to help you	urself in this case by bringing a	as many people
8	into it as	you can?	
9	A	It is not true.	
10	Q	Mr. Stasi, isn't it a fact that	after you
11	identified	Joe Red as the person from whom	
12		MR. WARNER: Withdrawn.	
13	Ω	Isn't it a fact that after you'r	named Joe Red
14	as the pers	son from whom you purchased manni	te you looked
15	at the vide	eo tapes, you were unable to see	him, and in
16	desperation	, to pick someone to fill that r	cole, you pointed
17	to Joseph (Ceriale?	
18	A	It is not true.	
19	Ω	Mr. Stasi, would you look over a	t Joseph
20	Ceriale, pl	Lease.	
21		Do you have any doubt whatsoever	at this time

Do you have any doubt whatsoever at this time that Joseph Ceriale does not have red hair?

A I see it now.

23

25

O There is no doubt about the fact, is there, ir. Stasi, it is not red hair?

about, but I got a pretty good idea. It must be Joe

Red."

Red."

8

2

1

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

That's how that came about.

Mr. Stasi, I am going to read you some questions and answers and ask you whether you were asked those questions and gave those answers on July 14th:

> "0 Yeah.

A" And to see a certain fellow by the name of Joe, but I know he's --

> "Voice: Yeah."

And then your answer:

"He's got red hair and they call him Joe

"Yes."

"He hangs out in the barbershop."

Were you asked those questions and did you give those answers?

I says yes.

Mr. Stasi, when the time came for you to pin point out Joseph Ceriale and you identified him as the person that you meant by Joe Red, weren't you aware of the fact that the police were counting on you to bring in a great number of people into this case?

I just brought in who I thought -- who was involved with me. That's what that was.

3

5

6

•

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

O Isn't it a fact, Mr. Stasi, that it was so important for you to bring in people into this case that at a certain point you were even instructed to lie by the police?

A I was not.

MR. WARNER: The reference, your Honor, is to transcript of tape 515, which has disappeared from my table.

THE COURT: Can you find it?

MR. WARNER: It's page 39.

O Mr. Stasi, weren't you told on July 14th, during that debriefing session, that the government was not going to spend a lot of money and time on you if you were not going to lie?

A What's that got to do with it? I don't believe them.

Q ... Were you told that?

A I don't recall.

Mr. Stasi, I am going to play a tape recording for you and I am going to ask you if that refreshes your recollection as to whether you were told that at the time I just indicated.

MR. WARNER: This I am going to play for the witness, your Honor.

1	jlia	Stasi-cross 799
2	Ω	Mr. Stasi, will you listen to this, please.
3	Put this	in your ear.
4		(Pause.)
5	, A	I can't hear it.
6	Q	tan you hear it now?
. 7		(Pause.)
8	Λ	It went off.
9		I still didn't hear nothing to it. There
10	is nothing	
11		THE COURT: Counsel, why don't you use the
12	transcript	
13	Ω ,	Mr. Stasi, on that date was the following state-
14	made to yo	
15		"Stasi: That's what I did yeah, I say
16		"Voice: I'm not going to spend a lot of
17	money and	time with you if you're not going to lie and
18	you get th	e silly ideas out of your head"?
19	λ	That had nothing to do with it.
20	, Ω	But it was said, wasn't it, Mr. Stasi?
21	λ	If he put it there. I don't know. I
22	don't recal	11.
23		MR. WARMER: Your Honor, I have no further
24	questions.	
0.		

THE COURT: All right, Mr. Curley.

2

3

7

9

10

11

12

13

14

15

16

17

18

19

20

21

22

CDOCC	THERETTERMENT	
CRUSS	EXAMINATION	N

BY MR. CURLEY:

O Mr. Stasi, at the end of December or the early part of January of this year did there come a time when you were shown some photographs in Mr. Phillips' office?

A Yes.

Ω Do you recall how many photographs you were shown?

A Quite a bit.

Q Were you shown any photographs of the man you referred to in this trial as Joe Cab?

A Yes.

Q How many photographs were you shown?

A I would say about two or three.

Ω Specifically, were those photographs of the man referred to you under the name Joe Cab?

A That's right.

 Ω Do you recall the date that those pictures were shown to you?

A I couldn't tell you.

Ω Were any of those pictures in color as opposed to merely black and white?

A Yes, they were.

23

O Were there any of those pictures, color
pictures, that you were unable to identify, the persons
in those pictures?
A I made them out.

.... 15

6

7 8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Q Mr. Stasi, drawing your attention to the night that you gave a brought some narcotics to the Beach Rose Social Club and later on in that evening placed that package in a car occupied by Mr. Barnaba --

A That's right.

Q -- can you tell us what month it was that you placed that package in the car?

A Couldn't tell you.

Q Was that the first or second occasion in which a package that you had brought from your apartment was delivered or given to Mr. Barnaba?

A That's the first time in the car. I gave it on two occasions.

Q Yes. On which occasion was it that it was placed in the car, the first or the second?

A I couldn't tell you. I know I placed it in the car. I don't know which one it was. It could have been on the first or it could have been on the second occasion.

Q When in reference to that incident was it that you saw the man you have referred to as Joe Cab with a package?

A Well, right after that he would come in, Joe Cab would come into the club.

Q Was that earlier in the evening or later in

	80)2
1		
2	the evening?	
3	Q I would say around 10 o'clock at night.	
4	Q Which?	
. 5	A 10 o'clock at night.	
6	Q My question, Mr. Stasi, is to which delivery	
7	or to which man are you referring when you say about 10	
8	o'clock at night.	
9	A That's when he come in, that's when I went an	nd
10	get it.	
11	Q Mr. Barnaba, Mr. Inglese, Mr. Marchese, to wh	nom
12	are you referring?	
13	Marchese would come in at that time. I playe	ed
14	cards with him one night.	
15	Q Who came in first on that night?	
16	A I don't know.	
17	0 Mr. Barnaba or Mr. Marchese?	
18	A I would say Johnny came in first.	
19	Q By Johnny you mean Johnny Barnaba?	
20	A Johnny Barnaba.	
21	Q The time that you placed the narcotics or the	
22	package in Mr. Earnaba's car, was that the first or secon	nd
23	time you had delivered or seen narcotics or a package	
24	delivered to Mr. Barnaba?	
25	A Once, once that I delivered in the car.	
- 11		

hp3

Stasi-cross

Q Was there another occasion in which narcotics which you had previously stowed in your apartment was delivered to Mr. Barnaba?

A It was at the Beach Rose Social Club.

Q The incident with the car, was that the first or the second?

A That's what I says. I couldn't tell you. I don't know which one it was.

Q Can you tell us how long a period of time passed between the two incidents?

A Not too long. A half-hour maybe.

Q I am talking about the two incidents with Mr. Barnaba, one in the car and one in the Beach Rose Social Club.

A I don't follow that. I don't follow that question.

Q Is it your testimony that on two occasions narcotics was taken from your residence and transferred to Mr. Barnaba?

A That's right.

Q One one occasion it was in the Beach Rose Social Club and on the other occasion it was in a car outside the club?

A That's right.

25

19

20

21

22

23

1	hp4 Stasi-cross
2	Q Were those transactions on the same day?
3	Λ The next day. Everytime it was mixed at my
4	house it would be the following day that they would come
5	to the club.
6	Q Were the two transactions with Mr. Barnaba on
7	the same day?
8	A No.
9	Q How long a period of time was there between the
10	two transactions?
11	A I would say a couple of months.
12	Q Could you be more specific?
13	A That's all I could say.
14	Q Can you tell us the year?
15	A I couldn't tell you.
16	Q You have told us, Mr. Stasi, that you have had
17	no agreement or understanding with the government, is that
18	correct?
19	Λ That's right.
20	Q And you have told us that for some time you
21	were taking numbers or engaged in the policy business in the
22	Bronx, is that correct?
23	Λ That's right.
24	Q Has there been any discussion with youconcerning
25	any criminal case arising out of your statement concerning

in May of 1973, Mr. Stasi, did you have a discussion with

the law-enforcement officials concerning the possible dis-

missal or dropping of that charge, that is, the possession

24

1	hp6 Stasi-cross
2	of the stuff that was in the car?
3	MR. PHILLIPS: Objection. It's misleading, your
4	Honor.
5	THE COURT: I think I know what you are driving
6	at, but I think you ought to reframe it, Mr. Curley.
7	Q After your arrest in May of 1973 did you partici-
8	pate in a discussion with the law-enforcement officials
9	who had arrested you concerning that subject, what you had
10	been arrested in possession of?
11	A They didn't say nothing to me about what I was
12	possessing, possession of.
13	Q Did they talk to you about the paraphernalia that
14	had been in the box in the car?
15	A Yes, they did.
16	Q Did they tell you that they had been following
17	you?
18	A That's right.
19	Ω Did they tell you that you had been under observa-
20	tion for a year, a year and a half?
21	A That's what they said.
22	Q And did they tell you that the matter could be
23	presented in such a way that the charge would be dropped?
24	A They didn't say that to me.
25	Q So that the matter would not be dropped to court?

1	hp7 Stasi-cross
2	A They didn't say that to me.
3	Q Did the law-enforcement officials ever tell you
4	that if they stated that they did not have "probable cause"
5	that the charges against you would be dismissed for posses-
6	sion of that paraphernalia?
7	A I don't recall.
8	Q You say that you were arrested on another
9	occasion in the Beef East, is that correct?
10	A That's right.
11	Q Did you plead guilty or were you found guilty
12	in that matter?
13	A I pleaded guilty.
14	Q What did you plead guilty to?
15	A I don't know what they call it. I don't know
16	what it was. I don't know what the charge was.
17	Q Had you ever heard the charge to which you pled
18	guilty before the day you entered the plea?
19	No. It's under my lawyer's advice.
20	Q Did the law-enforcement officials indicate to you
21	that that arrest had been prearranged to get to talk to you?
22	A They didn't say nothing to me.
23	Ω Did they ask you what you had been doing at the
24	time of your arrest?
25	A They didn't say nothing to me.

I don't recall it.

23

24

22

25

Do you recall during that debriefing whether or not similar statements were made by the law-enforcement officials to you, that is, based upon things that you did

hp8a Stasi-cross

or did not do they had a variety of charges that they could hit you with?

A I don't know. I don't recall it.



3

1

5

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Now, Mr. Stasi, going back to the incidents in the Beach Rose Social Club, you testified that on two nights you brought narcotics from your apartment to the social club; is that correct?

That's right. A

And on those occasions you brought the package into the kitchen and left it in that vicinity, that is, the back room or kitchen of the club?

That's right. Λ

Did you testify that on two occasions Joe Cab went into the kitchen and came out a little later with a similar package under his arm?

I says -- that's right.

Did you ever see anyone hand the package that you had brought into the kitchen to Joe Cab?

I seen him on the way out. I seen him -- it was under his arm on the way out.

My question is, did you see anyone hand the package that you had brought into the kitche to the man you say is Joe Cab?

No.

Is it a fact, Mr. Stasi, that you never saw Mr. Cab or Joe Cab take out any package from the club but that you had seen him hanging around, and when the agents

1	pp2 Stasi-cross
2	questioned you about these transactions, you assumed that
3	it may have been him?
4	A I know for a fact it was him.
5	Q Drawing your attention to the debriefing or
6	questioning on July 11, 1973, Mr. Stasi, were you asked
7	the following questions by the police officers and did you
8	make the following answers?
9	MR. PHILLIPS: Which government's exhibit is
10	that?
11	MR. CURLEY: Tape E-77, page 83.
12	MR. PHILLIPS: Government's Exhibit 3514-A.
13	Q (Continuing) "VOICE: You know what O.B.'s
14	hung up on. You know how we feel about deliveries, you
15	know? Like you say you made three deliveries.
16	"We aren't interested in Barnaba, we got him
17	already. We know you delivered to him.
18	"Now you told us you delivered to the guy in
19	the cab company.
20	"STASI: No, I didn't deliver. I would bring
21	it to the club and I assume that, being that he was hanging
22	around, he might be giving it to him. Not that I gave it
23	to him."
24	Do you remember that question being asked by
25	the authorities and you giving that answer?

3

4

5

6

7 8

9

10

11

12

13

14

15

16

17

18 19

20

21

22 23

24

25

I didn't say I gave it to him. I said I seen him leave with it. I didn't say I gave it to him.

Now, did Mr. Marchese -- Joe Cab -- ever place any bets with you while you were taking policy or bets at the club?

He did. We played numbers.

And was there ever an occasion in which he asked you to trust him --

He did. A

-- for you to place a bet on a number for him but that he had no money?

He did. A

And did you ever refuse him?

A I did.

Now, I believe you stated or testified the other day, Mr. Stasi, that you have entered a plea of guilty with reference to these sales to Allie Boy in the state court.

MR. PHILLIPS: Objection, your Honor. The testimony was he intended to plead guilty.

THE COURT: Yes. It was his intention.

MR.CURLEY: There is testimony that there was a sentencing date set for January 30th of this year.

MR. PHILLIPS: Objection. There is no such testimony. It was a question, your Honor.

up.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

THE COURT: I don't know if that matter came

Once again, ladies and gentlemen of the jury, often, as a judge, I say, "I don't recall that." The attorneys may say, "Well, I recall something."

It's not what our recollection is that counts.

It's solely your recollection.

Q Before the grand jury, Mr. Stasi, did you give a definite date, the month, of an incident in which you brought narcotics to the Beach Rose Social Club for transfer to Joe Cab?

- A I don't recall. Excuse me. I don't recall.
- Q Do you recall when you testified in the grand jury?
 - A I don't.

MR. CURLEY: No further questions.

THE COURT: All right. Mr.Rosenbaum?

MR. ROSENBAUM: Your Honor, my cross-examination will exceed ten minutes.

THE COURT: Well, let's get started and do whatever we can.

CROSS EXAMINATION

BY MR. ROSENBAUM:

O Mr. Stasi, my name is Mr. Rosenbaum. I represent

25

1	pp5 Stasi-cross		
2	Vincent D'Amico, one of the defendants.		
3	Now, you have testified that the only time you		
4	snorted coke was in bars; is that correct?		
5	A That's right.		
6	Ω And you never snorted coke at home or any place		
7	else other than bars?		
8	A That's right.		
9	Q And you also drank at the same time you snorted		
10	coke; is that correct?		
11	A That's right.		
12	Q. On an average evening, Mr. Stasi, how many drinks		
13	would you have?		
14	A I couldn't tell you.		
15	Q Well, it would be more than one, however, wouldn't		
16	it be?		
17	A It would be more than one.		
18	Q It would be less than ten?		
19	Λ It could be.		
20	Q It could be more than ten?		
21	Λ It could be.		
22	Q And the same time you drank you also snorted		
23	coke; is that correct?		
24	A On occasions.		
25	Q Well, you testified that you snorted coke at		

		815			
1	pp7	Stasi-cross			
2	are feeling now?				
3	A	I wouldn't say like I'm feeling now.			
4	Ω	Would you become hostile?			
5	А	What do you mean by that?			
6	Q	Did you get angry at people?			
7	A	No; I don't.			
8	Q	Would you get tired?			
9	A	No.			
10	Q	Would you feel more awake than you would ordinar-			
11	ily feel?				
12	A-	I won't say awake.			
13	Ω	And it is your testimony now, just to recapitulat			
14	for a moment, that you could have ten drinks and snort coke				
15	and you would have no reaction, no physical reaction?				
16	. А	I wouldn't say no reaction. I would feel normal.			
17	I don't know what the word				
18	Ω	Well, feeling normal would indicate you had no			
19	physical r				
20	λ	That's right.			
21	Q	And you testified earlier that you paid two to			
22	three hund	red dollars a week for coke?			
23	λ	I didn't say I paid that.			
24	Q	What did you say?			
25	Λ	I says I used to get most of the times I used			
- 1		and the distriction of the second sec			

MR. PHILLIPS: Your Honor, I am going to object to this line of questioning. I think it has been gone into MR. ROSENBAUM: This is totally different. MR. ROSENBAUM: I have a transcription, undated, of Frank Stasi. I don't know what exhibit that is. MR. ENGEL: I guess that is Government's Exhibit MR. ROSENBAUM: I would respectfully call attention

Ω Mr. Stasi, do you recall being asked these questions:

4

5

3

"Okay. Now let's get down to brass tacks. You only do it once a month. You are only going to make a thousand bucks.

7

"Stasi: Sometimes I make a little more.

8

9

"Voice: All right, even if you make 2000 bucks that wouldn't even take care of your coke habit for

10

a month.

really.

"Stasi: Sometimes I get it for nothing,

11

"Voice Sometimes you get it for nothing?

13

14

"Stasi: The coke.

15

"Voice: Sometimes?

16

"Stasi: Yeah.

17

"Voice: Sometimes?

18

"Stasi: Most of the times.

19

"Voice: Would you say that you probably spent

20

two or three hundred dollars a week on coke?

21

"Stasi: About that much, if I have it"?

22

A I don't recall.

23

O Let me show you these papers and ask you to read from the middle of page 35 where I have drawn a line to the middle of page 36, where I have drawn a

24

1	mpa2 Stasi-cross 818
2	line.
3	Does that refresh your recollection, Mr.
4	Stasi?
5	A I did, if I had it.
6	Q Am I correct in assuming, Mr. Stasi, that in
7	addition to getting your coke free, in addition to that,
8	you spent two or three hundred dollars a week, is
9	that correct?
10	A What's that?
11	Q I say, in addition to getting your coke free,
12	you also spent about two to three hundred dollars a week
13	on other coke, is that ri ght?
14	A Not all the time.
15	Q When you had it?
16	A When I had it. If I had it.
17	Now, you say that you had no physical
18	reaction when you smoked I am sorry when you
19	drank and you snorted coke, is that correct?
20	A I felt good.
21	Q So good that isn't it a fact that you were

Were you ever asked to leave the Mardi Gras? Q

A No.

kicked out of the Centaur Bar?

22

23

24

25

I was never kicked out of the Centaur.

mpa3	Stasi-cross 319		
Ω	Were you ever kicked out of the Mardi Gras?		
А	Never.		
Q	Isn't it a fact that you caused a disturbance		
at the two			
λ	It was other people. It was friends of mine		
and I was with them.			
Q	In other words, your friends started the dis-		
turbance but not you?			
A	That's right.		
Q	Did you join in the disturbance?		
λ	No.		
Ď	Do you remember a girl who worked at the Centaur		
named Joan	ne?		
, λ	I do.		
Q	Did you beat up her?		
ν.	I did not.		
Q	Did you hit her?		
Α	I did not.		
	MR. PHILLIPS: Your Honor, I object to		
this, on the	ne same basis as this morning.		
	THE COURT: Yes, sustained. It's the same		
objection.			
	All right, ladies and gentlemen, it's 4:30,		
the marshal	will escort you out.		
	A Q at the two A and I was Q turbance b A Q named Joans A Q A this, on the		

(The jury left the courtroom.)

(The witness left the courtroom.)

THE COURT: All right. I have a problem and you have a problem. Supposing we resolve my problem first.

According to my notes -- let me just check to make sure I am right -- I think, Mr. Rosenbaum, you are the last counsel who indicated you wanted to cross examine. Is there anyone who hasn't cross examined this witness who wants to? All right.

Now, Mr. Curley.

MR. CURLEY: Yes, your Honor, I had a problem during my cross examination. Perhaps I could get some help. One, without playing the tapes of which the transcripts are supposed to be an accurate transcription can we argue to the jury that we are reading correctly? Otherwise I would like to recall Mr. Stasi or have the cassette played to the jury.

THE COURT: I think that could be worked out. I think I know what your problem is.

MR. CURLEY: I could refresh Mr. Stasi's recollection with the transcript but the tape would allow the jury to draw the proper --

THE COURT: Well, what's the next problem?

MR. CURLEY: The next problem, your Honor, is I went into the prior identification based on the information I received from the government and to my surprise the witness did not give the expected answer. I was advised that he was shown a photograph of my client and he could not identify him. Now he says he was shown a picture and he did identify him.

Now, unless the witness wasn't telling the incident as it actually happened -- I would like some information from the government or a stipulation from the government that in fact he did not identify Joe Cab from the picture.

MR. PHILLIPS: I think I could work that out with Mr. Curley, your Honor, between tonight and tomorrow morning.

Your Honor, I have a couple of matters.

First of all, if counsel will come to my office now they will receive additional 3500 material as to witnesses that will appear after Stasi. There will be also 3500 material as to the witness Mr. Barnaba that will be given to whatever counsel appear in Mr. Curran's office.

The other thing is that although counsel have nto completed entirely their cross examination, because

Mr. Rosenbaum is still in the midst of it, I intend between now and tomorrow morning to talk to Mr. Stasi regarding the questions I intend to ask him on redirect examination.

THE COURT: You are also going to have to -- I don't know what happened with this photograph thing, but you are going to have to clean that up.

MR. PHILLIPS: Yes.

MR. ROSENBAUM: Your Honor, I don't for a moment question Mr. Phillips' intentions as to the next examination; however, I would respectfully ask the court that that discussion with Mr. Stasi be started after I complete my cross examination.

MR. LOPEZ: If I may just add, your Monor, during the direct examination of the witness John Spurdis, after I had completed my direct examination I was not allowed to speak to Mr. Spurdis. I don't know why we should change the rules now. Once the witness testifies, your Monor, I don't think either side should question him.

MR. PHILLIPS: Your Honor, I am doing this for one thing: to save time because I have certain questions I want to ask Hr. Stasi based on the cross examination that has occurred up to now. That is the only

matter that I intend to go into, is what has been testified to on cross examination by those counsel who have cross examined up to now.

MR. ROSENBAUM: Your Honor, I appreciate the government's intention to save time, but in the interests of justice, knowing Mr. Stasi, he himself may submit questions to Mr. Phillips which may be responded to or this interview with Mr. Phillips may overlap the examination I intend to pursue. I would ask Mr. Phillips to wait until I finish my cross examination.

THE COURT: How long do you expect to be, Mr. Rosenbaum?

MR. ROSENBAUM: I would estimate 20 or 25

THE COURT: No. Under the circumstances
I will permit Mr. Phillips to talk to Mr. Stasi tonight.

Mr. Phillips, before you sit down, do you have lined up your next witness after Mr. Stasi?

MR. PHILLIPS: Yes, your Honor.

THE COURT: Will that 3500 material be part of the stuff that's being turned over?

MR. PHILLIPS: Some of the 3500 material, almost all of it in fact, of the next witness has been turned over to counsel this afternoon. The reason it

THE COURT: Oh, no. More tape recordings? MR. RICHIAN: Every Tuesday Mr. Tolopka has to take his wife for examination. She is paralyzed. He will be here by 11 o'clock in the morning.

THE COURT: All right.

MRS. ROSNER: Your Monor, I must appear in

24 25

11

13

14

15

16

17

18

19

20

21

22

20

21

22

23

24

1			826
2		WITNESS INDEX	
3	Name	Direct Cross Redirect Red	cross
4	Frank Stasi (Resumed)	655	
5 6		EXHIBIT INDEX	
7	Court	In Identification Evidence	
8	48	654	
9	49	654	
10	50	654	
11	51	654	
12	52	654	
13	53 54	751	
14	54	751	
15	Government		
16	3513B	707	
17			
18			
19			
20			
21 22			
23			